

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2018

CORAM

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

WRIT PETITION NO.15279 OF 2018

K. Shanthi

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Principal Secretary,
Department of Finance (Salaries)
Secretariat, Chennai - 600 009.
 2. The Principal Secretary/Commissioner,
Department of Treasuries and Accounts,
Chennai.
 3. The Director,
Medical and Rural Health Services Department,
D.M.S. Compound, Teynampet,
Chennai - 600 006.
 4. The Joint Director of Medial and
Rural Health Services Department,
D.M.S. Compound, Teynampet,
Chennai - 600 006.
 5. MD Indian Health Care Services (TDA) Private Ltd.,
United India Insurance Company Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Salai, Mylapore,
Chennai - 600 004.
 6. The Divisional Manager,
United India Insurance Company Ltd.,
Division Office VI,
PLA Rathana Towers 5th Floor, 212,
Anna Salai, Chennai - 600 004.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned letter, bearing No.O.Mu.No.16704/KA/P1/3/2017, dated 02.04.2018 on the file of the third respondent and to quash the same and consequently, directing the respondents to sanction and reimburse the eligible medical expenses of Rs.2,24,400/- and pay the same with 9%

interest from the date of remittance of the amount to the listed hospitals by the respective petitioner till date of payment.

For Petitioner	:	Mr.V.Sithannan
For Respondents 1-4	:	Mr.N.Srinivasan Additional Government Pleader

O R D E R

Heard Mr.V.Sithannan, the learned counsel appearing for the petitioner and Mr.N.Srinivasan, the learned Additional Government Pleader accepting notice on behalf of the respondents. Since this Writ Petition is taken up for disposal at the stage of admission itself and considering the nature of relief to be granted herein, this Court is of the view that notice to the fifth and sixth respondents shall be dispensed with.

2. The grievance of the petitioner, in this case, is that her claim for medical reimbursement has not been entertained by the third respondent, and it has been rejected by an impugned order/letter, bearing No.O.Mu.No.16704/KA/P1/3/2017, dated 02.04.2018, on the ground that she has taken treatment in a Non Network Hospital, and her prayer is for issuance of a writ of certiorarified mandamus to quash the said impugned order, contending it to be illegal and arbitrary and to direct the respondents to reimburse the medical expenses of Rs.2,24,400/- incurred by her in a Non Network Hospital with interest at the rate of 9%.

3. The learned Additional Government Pleader for the respondents 1 to 4 submits that, vide the impugned order, the applicant (petitioner) has been directed to ventilate her grievance before the High Level Empowered Committee by way of Appeal, and without preferring the same, has come to this Court in the Writ Petition and as such, the Court may dismiss the Writ Petition.

4. Considering the aforesaid facts and the submissions made, especially, the fact that the petitioner has an efficacious remedy of filing appeal before the High Level Empowered Committee, as could be seen from the impugned order, and without exhausting such alternate remedy, has filed this Writ Petition, this Court is not inclined to entertain this Writ Petition, but, gives liberty to the petitioner to make an appeal before the High Level Empowered Committee against the impugned order within a period of three weeks from the date of receipt of a copy of this order, and if such an appeal is filed within the period, as stipulated by this Court, the said High Level Empowered Committee shall dispose of the same within three weeks thereafter, taking into consideration the fact and situation of the case and without being influenced by the reluctance of this

Court to entertain the Writ Petition, inasmuch as, this Court has not taken into consideration the merits of the petitioner's claim, in any manner. With the aforesaid order, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

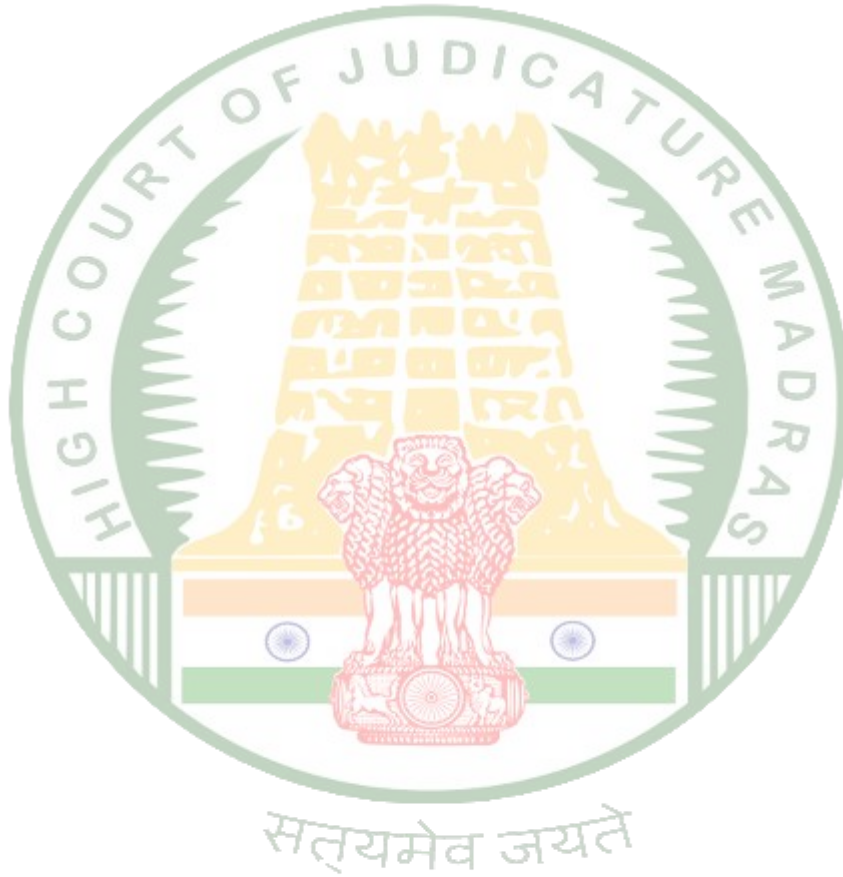
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Anna Salai, Chennai - 600 004.

7.The High Level Empowered Committee,
Chennai.

+lcc to Mr.V.Sithannan, Advocate sr.no.44482
+lcc to Government Pleader sr.no.40914

Writ Petition No.15279 of 2018

nr 06/08/2018



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