



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.54 of 2018andW.M.P(MD)No.43 of 2018

S.Annakodi

... Petitioner

Vs.

1.The Director of Pension,
DMS Complex, Thenampet,
Chennai - 600 006.

2.The District Collector,
Madurai District,
Madurai.

3.The Joint Director,
Medical and Rural Health
Services Department,
Madurai District,
Madurai.

4.The Treasury Officer,
District Treasury Office,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent in his proceedings in Na.Ka.No.4624/2017/M1 dated 31.10.2017 and quash the same as illegal, arbitrary, violation of law and further direct the respondents to pay a sum of Rs.2,00,000/- under New Health Insurance Scheme, 2014.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.J.Gunaseelan Muthiah
Govt. AdvocateO R D E R

The petitioner is a pensioner and retired employee of the Forest Department. He underwent treatment on account of Diabetic complication and three fingers were removed from his left leg also. He underwent surgery on 19.03.2017 and got discharged on 25.03.2017.



He sought reimbursement of the amount spend by him towards medical expenditure. But by the impugned order dated 31.10.2017, the fourth respondent rejected the petitioner's claim for medical reimbursement. The same is assailed in this writ petition.

2.This Court is of the view that the order passed by the fourth respondent is sustainable in law. This is because of the Insurance scheme introduced by the Government is intended to be a cashless one. The petitioner must take treatment in a network hospital. In the present case, surgery had been taken in a non-network hospital. Therefore, the petitioner's claim was rightly declined. However, it is open to the petitioner to move the High Level Committee comprising of the Secretary to Government (Expenditure), Finance and Pension Department and others. The fourth respondent shall place the petitioner's representation before the said High Level Committee within a period of two weeks and the said High Level Committee shall pass orders within a period of twelve weeks, after receiving the said representation.

3.With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Pension,DMS Complex, Thenampet,Chennai - 600 006.

2.The District Collector,Madurai District, Madurai.

3.The Joint Director, Medical and Rural Health
Services Department, Madurai District, Madurai.

4.The Treasury Officer, District Treasury Office, Madurai District,
Madurai.

+1CC to M/s.G.M.Law Office, Advocate, SR.No. 49932

+1CC to the Special Government Pleader SR.No.50199

W.P.(MD)No.54 of 2018
and

W.M.P(MD)No.43 of 2018
20.02.2018

skn

AM/JC/SAR 4/09.05.2018/2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>