



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2019

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.16085 of 2019

and

W.M.P.(MD) No.12785 of 2019

S.Vellaichamy

...Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of Medical and Rural Health Services,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The District Treasury Officer,
District Treasury Office,
Collectorate Campus,
Kovampallam,
Thoothukudi 628 101.

4.United India Insurance Co.Ltd.,
represented by its Manager,
(Opp to Sathyam Cinemas),
No.24, Whites Road,
Royepattah,
Chennai - 600 014.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter in Na.Ka.No.2827/2016/Ra3, dated 28/02/2019 issued by the third respondent and quash the same as illegal and void and consequently to direct the respondents to disburse the sum of Rs.1,08,000/- (One Lakh Eight Thousands only) together with further interest under Medical Reimbursement Scheme to the petitioner within a time frame as fixed by this Court.

For Petitioner

:Mr.K.Vinayagan

For R1 to R3

:Mr.M.Pandiarajan

**ORDER**

This writ petition has been filed to quash the order dated 28/02/2019 passed in Na.Ka.No.2827/2016/Ra3 by the third respondent and to direct the respondents to disburse a sum of Rs.1,08,000/- together with further interest under Medical Reimbursement Scheme to the petitioner.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, this writ petition is taken up for disposal at the admission stage itself.

3.The learned counsel for the petitioner would submit that the petitioner is a retired Government Employee. He and his wife namely, Chellathai are the subscribers to the Government of Tamil Nadu, New Health Insurance Scheme, 2014, Pensioners/Family Pensioners. Due to ill-health, the petitioner's wife had taken treatment at Thiraviam Orthopedic Hospital, Thoothukudi and for the same, the petitioner has spent a sum of Rs.1,08,000/- towards medical expenses.

4.Thereafter, the petitioner made a representation to the third respondent requesting him to disburse a sum of Rs.1,08,000/- with interest under Medical Reimbursement Scheme by enclosing the bills and other relevant documents. But, the third respondent has rejected his request by stating that the treatment taken in non-network hospital need not be considered as per G.O.171, dated 26.06.2014, Lr.No.34231 (Pension) Department, and Lr.No.28228, dated 05.06.2017 issued by the Additional Chief Secretary Finance Department. Challenging the same, the petitioner is before this Court.

5.In reply, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that if the petitioner makes an application afresh to the third respondent, the same shall be re-considered on merits and in accordance with law within a time frame fixed by this Court in the light of the order passed by this Court in W.P.(MD) No.13429 of 2013, etc., batch dated 28.05.2019.

6.Recording the said submission, the impugned order dated 28.02.2019 passed in Na.Ka.No.2827/2016/Ra3 by the third respondent is hereby quashed with a direction to the petitioner to submit a representation afresh along with necessary documents and a copy of this order to seek his remedy before the third respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the third respondent is directed to place the same before the District Level Empowered Committee and the Committee shall consider the same and pass appropriate orders on merits and in accordance with law in the light of the order passed by this Court in W.P.(MD) No.13429 of 2013 and batch dated 28.05.2019, within a period of eight weeks thereafter.



7. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

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Sub Assistant Registrar

To

1. The Principal Secretary,
Department of Medical and Rural Health Services,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

3. The District Treasury Officer,
District Treasury Office,
Collectorate Campus,
Kovampallam,
Thoothukudi 628 101.

+1 CC to M/s.K.VINAYAGAN, Advocate (SR-76237[F] dated 19/07/2019)

W.P. (MD) No.16085 of 2019
19.07.2019

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JM/30.07.2019/3P-5C