



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19343 of 2019

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K.Dhanikodi

... Petitioner

-Vs-

1. The District Collector,
Theni District, Theni.
2. The District Treasury Officer,
Theni District, Theni.
3. The Sub Treasury Officer,
Uthamapalaym, Theni District.
4. The Divisional Manager,
United India Insurance Company Limited,
Divisional Office, 5th Floor, PLA Rathina Tower,
212, Anna Salai, Chennai.
5. The Chairman,
Madurai Institute of Orthopedics and
Tranmantology,
Plot No.629, K.K.Nagar,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take necessary action to reimburse the amount spent towards the treatment of Joints Replantation Surgery to the petitioner's wife Tmt. Santha for the medical expenses amount of Rs.3,94,627/- (Rupees Three Lakhs Ninety Four Thousand Six Hundred and Twenty Seven Only) to the petitioner under the Tamil Nadu Government Servant and Pensioner Medical Welfare Scheme.

For Petitioner	: Mr.A.Gandiappan
For R1 to R3	: Mr.V.Anand, Government Advocate.
For R4	: Mr.A.Shajahan

ORDER

Heard Mr.A.Gandiappan, learned counsel appearing on behalf of the writ petitioner, Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents 1 to 3 and Mr.A.Shajahan, learned counsel, who takes notice on behalf of the fourth



respondent. Notice to the 5th respondent is dispensed with, since no adverse order is going to be passed against the 5th respondent.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3.This Writ Petition has been filed for a direction to direct the respondents to take necessary action to reimburse the amount spent towards the treatment of Joints Replantation Surgery to the wife of the writ petitioner, namely, Santha for the medical expenses amount of Rs.3,94,627/- (Rupees Three Lakhs Ninety Four Thousand Six Hundred and Twenty Seven Only) to the writ petitioner under the Tamil Nadu Government Servant and Pensioner Medical Welfare Scheme.

4.According to the writ petitioner, from his pension amount, the Government deducted a sum of Rs.150/- towards New Health Insurance Scheme and paid to the fourth respondent. As per the Scheme, that is called as New Health Insurance Scheme 2014, the writ petitioner and his wife are entitled to get reimbursement of medical expenses spent by him. In spite of the representations dated 20.08.2018 and 08.07.2019 made by the writ petitioner, no reimbursement was given and no order was passed on the representations. Hence, the writ petitioner has come out with the present Writ Petition.

5.The learned Government Advocate appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent submitted that a District Level Empowered Committee headed by the District Collector with Joint Director of Medical and Rural Health Services, the District Treasury Officer and a representative of the Insurance Company as member, has been formed to consider the issue raised by the writ petitioner. If the writ petitioner makes representation before the Committee, the same will be considered on merits and orders will be passed accordingly.

6.Considering the fact that the writ petitioner and his wife are covered by New Health Insurance Scheme, 2014 and considering the contention of the learned Government Advocate appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent, the writ petitioner is directed to make a representation to the District Level Empowered Committee headed by the District Collector seeking for reimbursement of the amount spent by the writ petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such representation, the District Level Empowered Committee is directed to consider the same and pass orders on merits and in accordance with law, within a period of four (4) weeks thereafter.



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7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Theni District, Theni.
2. The District Treasury Officer,
Theni District, Theni.
3. The Sub Treasury Officer,
Uthamapalayam, Theni District.

+1 CC to Mr.A.SHAJAHAN, Advocate (SR-85695[F] dated 06/09/2019)

+1 CC to SP1.GP (SR-85885[F] dated 09/09/2019)

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06.09.2019

myr

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