



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.01.2020

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8000 OF 2017

Selvakumari

.. Petitioner

Vs

1. The Director of Treasuries and Accounts
Chennai-15.
2. The Joint Director of Medical and
Rural Health Service,
District Family Welfare Bureau,
24, Sivaji Nagar, Thanjavur-613007.
3. The District Collector,
Office of the Collectorate,
Thanjavur District.
4. The District Treasury Officer,
Collectorate Campus,
Thanjavur-613007.
5. The Nodal Officer/Divisional Manager,
The United India Insurance Company Ltd.,
Annam Arcade,
61/2694 South Main Street,
Thanjavur -613009.
6. Sri Ramachandra Hospital,
No.1, Ramachandra Nagar,
Porur, Chennai-116.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation vide requisition letter dated 08.03.2017 in placing the petitioner's case of claim before the Thanjavur District Level Empowered Committee, monitored by the 1st respondent, for passing suitable orders for disbursement/reimbursement of the sum of Rs.7,08,012/- spent for the petitioner's husband's permanent



pacemaker implantation surgery at Sri Ramachandra Hospital, Porur, Chennai-116, during the period itself when the insurance coverage is alive.

WEB COPY

For Petitioner : M/s.C.P.Sivamohan

For Respondents : Mr.J.Ramesh, AGP -RR1,3 & 4
Mr.T.M.Pappiah, Spl.GP - R2
No Appearance - RR5 & 6

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to consider the petitioner's representation vide requisition letter dated 08.03.2017 in placing the petitioner's case of claim before the Thanjavur District Level Empowered Committee, monitored by the 1st respondent, for passing suitable orders for disbursement/reimbursement of the sum of Rs.7,08,012/- spent for the writ petitioner's husband's permanent pacemaker implantation surgery at Sri Ramachandra Hospital, Porur, Chennai-116, during the period itself when the insurance coverage is alive.

2. Heard Mr. C.P.Sivamohan, learned counsel appearing for the petitioner and Mr.J.Ramesh, Additional Government Pleader appearing for respondents 1,3 &4 and Mr.T.M. Pappiah, learned Special Government Pleader appearing for the 2nd respondent and perused the materials available record. No appearance on behalf of the respondents 5 & 6.

3. The learned counsel for the petitioner submitted that the writ petitioner is an employee of the Government of Tamil Nadu and a subscriber of New Health Insurance Scheme, 2016. The writ petitioner's husband was admitted Ramachandra Hospital, Porur on 03.11.2016 and undergone CRT-O Implantation surgery. The writ petitioner has paid a sum of Rs.7,08,012/- for the said treatment. It is further submitted that as per the said scheme, the writ petitioner is entitled for settlement on cashless basis during the period commencing from the date of admission in the approved hospitals as in-patient to the date before discharge from the hospital. However, her right of entitlement for cashless treatment under the aforesaid scheme is denied by the authorities and because of the denied, the writ petitioner made representation on 08.03.2017 to the 2nd respondent to place her case before the District Level Empowered Committee for passing orders for reimbursement of the sum of Rs.7,08,012/- paid by her. However, no action has been taken by the 2nd respondent till date, hence this writ petition.



4. The learned counsel appearing for the 2nd respondent submitted that the aforesaid representation is still pending consideration before the 2nd respondent and the same shall be forwarded to the District Level Empowered Committee, Thanjavur and shall be considered and pass orders in accordance with G.O.Ms. 202, dated 13.06.2016.

5. It is pertinent to mention here that this Court while deciding the similar issue in WP(MD) No. 13429 of 2013 wherein the petitioners have challenged the order of rejection of medical reimbursement, has observed that the petitioners' claim cannot be considered if the treatment was undergone in the non-networking hospitals and also rejected the claim of the petitioners to that effect.

6. By relying upon the aforesaid decision of this Court, it would be appropriate to direct the 2nd respondent to consider the writ petitioner's representation and pass orders within a stipulated time.

7. Accordingly, the 2nd respondent is directed to forward the representation of the writ petitioner dated.08.03.2017 to the District Level Empowered Committee, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such application, the District Level Empowered Committee, Thanjavur headed by the District Collector, Thanjavur is directed to consider the said representation of the writ petitioner in accordance with law, taking note of the decision rendered by this Court in WP(MD)No.13429 of 2013 dated 28.05.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ak

To

1. The Director of Treasuries and Accounts
Chennai-15.



2. The Joint Director of Medical and Rural Health Service,
District Family Welfare Bureau,
24, Sivaji Nagar, Thanjavur-613007.

WEB COPY

3. The District Collector,
Office of the Collectorate,
Thanjavur District.
4. The District Treasury Officer,
Collectorate Campus,
Thanjavur-613007.
5. The Nodal Officer/Divisional Manager,
The United India Insurance Company Ltd.,
Annam Arcade, 61/2694 South Main Street,
Thanjavur -613009.
6. The District Level Empowered Committee,
Thanjavur.

+1cc to M/s.C.P.Sivamohan, Advocate, S.R.No.1243

+1cc to the Government Pleader, S.R.No.2254

W.P.No.8000 of 2017

GP(CO)
CS/10/01/2020