

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11819 of 2017 and

W.M.P.No.244 and 246 of 2020

P.Munusamy,  
Retired under Secretary to Government,  
C-56, 16th Street, Periyar Nagar,  
Chennai 600 082.

... Petitioner

Vs.

1. The Secretary to Govt,  
Finance Department,  
Secretariat, Chennai 600 009.
2. The Director of Medical & Rural Health Services,  
Teynampet, Chennai 600 006.
3. The District Level Empowered Committee,  
Office of District Collatorate,  
Chennai 600 001.
4. The Director of Treasuries and Accounts,  
Panagal Buildings, Saidapet, Chennai 600 015.
5. The Regional Manager,  
United India Insurance Company Ltd.,  
5th Floor, Anna Salai, Chennai 600 006. .... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent Government to accept the petition dated 15.12.2014 and reminder dated 26.07.2016 claiming reimbursement amount of Rs.2.50 lakhs incurred on medical expenses and By-pass surgery (CABG) operated on the petitioner in G.Kuppusamy Naidu Memorial Hospital, Coimbatore during the period 11.09.2014 to 18.09.2014 and sanction the same to him with 9% interest p.a. w.e.f 15.12.2014 within a period of 4 weeks .

For Petitioner  
For Respondents

: Mr.A.S.Palanisamy  
: Mr.J.Ramesh, Addl.  
Government Pleader  
(for R1 to R4)

## O R D E R

The writ petitioner has filed this writ petition for direction to the first respondent Government to accept the petition dated 15.12.2014 and reminder dated 26.07.2016 claiming reimbursement amount of Rs.2.50 lakhs incurred on medical expenses and By-pass surgery (CABG) operated on the petitioner in G.Kuppusamy Naidu Memorial Hospital, Coimbatore during the period 11.09.2014 to 18.09.2014 and sanction the same to him with 9% interest p.a. w.e.f 15.12.2014 within a period of 4 weeks.

2. The contention of the petitioner is that he is a retired Under Secretary to Government and he had undergone a Coronary Bypass Surgery in G.Kuppusamy Naidu Memorial Hospital, Coimbatore on 11.09.2014 and had paid a sum of Rs.2.50 Lakhs as hospital charges. According to him, Though in G.O.Ms.No.375, Finance (Pension) Department dated 3.10.2005, the Government had approved the G.Kuppusamy Naidu Memorial Hospital, Coimbatore as accredited hospital under Tamil Nadu Government Pensioners Health Fund Scheme 1995, the above said hospital was not approved by the Government vide its G.O.Ms.No.171, Finance (Pension) Department dated 26.06.2014 in the Tamil Nadu New Health Insurance Scheme-2014. Subsequently, he made a representation dated 02.07.2015 to the Director of Treasuries and Accounts to admit the claim and reimburse the amount. However, his representation was rejected by the District Level Committee held on 22.04.2015 and recommended to the State Level Empowered Committee. The State Level Empowered Committee has also rejected the claim of the petitioner in its meeting held on 25.05.2016, as the treatment was taken in a Non-network hospital. Therefore, he filed the present writ petition.

3. On perusal of the prayer of the writ petition, it appears that the writ petition is not maintainable, since it was filed without challenging the orders passed by the District Level Committee held on 22.04.2015 and the State Level Empowered Committee held on 25.05.2016.

4. Pending writ petition, the petitioner filed a writ miscellaneous petition in WMP No.244 of 2020 to amend the prayer as follows.

" to issue a Writ of Certiorari Mandamus calling for the entire records pertaining to the impugned order dated 06.01.2017 made in letter

No.919/S(E)/Fin (Pension) 2017 by the first respondent and consequently quash the same and sanction the claim reimbursement of Rs.2.50 lakhs incurred on medical expenses and By-pass surgery (CABG) operated on the petitioner in G.Kuppusamy Naidu Memorial Hospital, Coimbatore under "cashless scheme" during the period 11.09.2014 to 18.09.2014 with 9% interest p.a. with effect from 18.09.2014 within a period of 4 weeks ."

5. Even now, this court is not satisfied with the amended prayer, since the claim was made without challenging the orders passed by the District Level Committee held on 22.04.2015 and the State Level Empowered Committee held on 25.05.2016.

6. At this juncture, the learned counsel appearing for the petitioner seeks permission of this court to withdraw the writ petition with a liberty to file a fresh petition by raising appropriate grounds and challenging the rejection order passed by the authorities concerned. He has also made an endorsement to that effect.

7. Accordingly, this writ petition is dismissed as withdrawn with a liberty to file a fresh petition by raising appropriate grounds and prayer. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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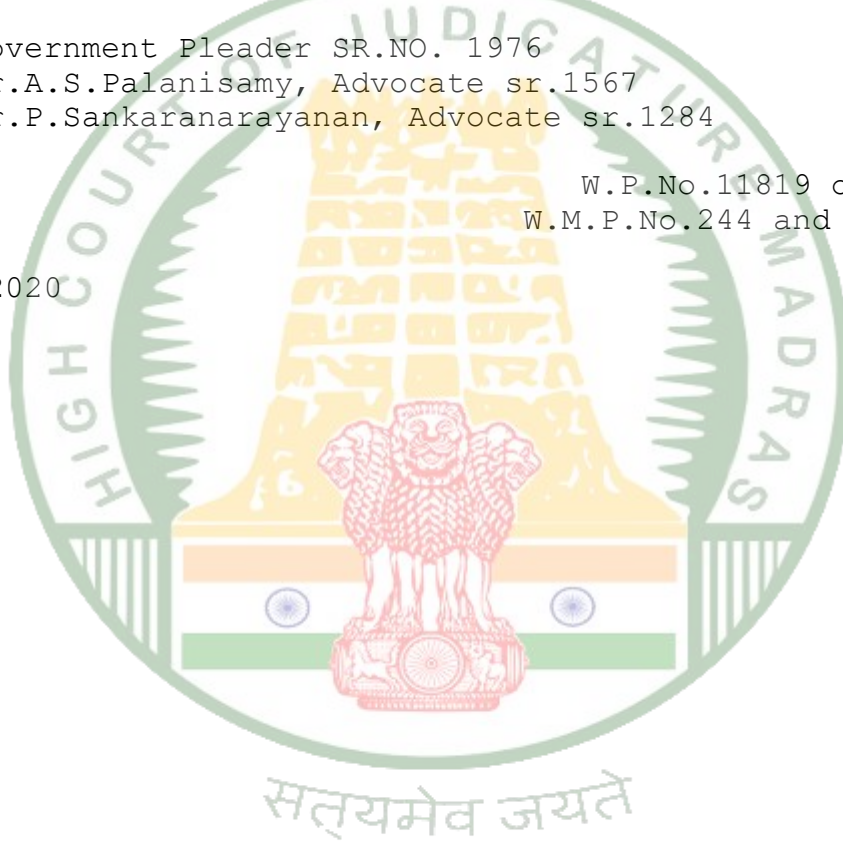
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5. The Regional Manager,  
United India Insurance Company Ltd.,  
5th Floor, Anna Salai, Chennai 600 006

+1cc to Government Pleader SR.NO. 1976  
+1cc to Mr.A.S.Palanisamy, Advocate sr.1567  
+1cc to Mr.P.Sankaranarayanan, Advocate sr.1284

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W.M.P.No.244 and 246 of 2020

nr 14/02/2020



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