



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

**W.P. (MD)No.8714 of 2020**

WEB COPY

S.Kannan

... Petitioner

Vs.

1. The Principal Secretary to Government,  
Finance (Salaries) Department,  
Secretariat, St.George Fort,  
Chennai - 600 009.
2. The Joint Director of Medical and  
Rural Health Services Department,  
Government General Hospital,  
Usilampatti, Madurai District - 625 532.
3. The United India Insurance Company Ltd.,  
Divisional Office 010700 First Floor,  
Siling Building, 13H Greaves Road,  
Chennai - 600 006.
4. The General Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Madurai Region, By Pass Road,  
Madurai - 625 016.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reimburse a sum of Rs.78,154/- (Rupees Seventy Eight Thousand One Hundred and Fifty Four Only) together with 12% interest from the date of payment made by the petitioner to till the date of payment, towards the payment of remaining medical expenditure, within the stipulated period.

For Petitioner : Mr.A.Rahul  
For Respondents : Mr.K.P.Narayana Kumar,  
Spl. Govt. Pleader for R1 & R2  
Mr.A.Shajahan for R3  
Mr.J.Senthil Kumaraiah for R4

**ORDER**

This writ petition has been filed to direct the respondents to reimburse a sum of Rs.78,154/- together with 12% interest from the date of payment made by the petitioner to till the date of payment, towards the payment of remaining medical expenditure.



2.The learned counsel for the petitioner submitted that the petitioner spent a sum of Rs.1,86,344/- towards his medical expenses. The third respondent/Insurance Company had paid a sum of Rs.1,08,190/-, since the petitioner is entitled to avail Cashless Medical Treatment. He further submitted that though the petitioner spent a sum of Rs.1,86,344/- towards his medical expenses, the third respondent/Insurance Company had paid a sum of Rs.1,08,190/- only. The petitioner is also entitled to get the balance amount of Rs.78,154/-. The petitioner also made a claim before the second respondent by virtue of the representation, dated 27.01.2020, in this regard. Since no steps have been taken in the said representation for reimbursement of his claim, the petitioner filed this writ petition, seeking appropriate directions.

3.The learned standing counsel appearing for the third respondent/Insurance Company submitted that the second respondent has to adjudicate the claim of the petitioner and thereafter, he has to place the said claim before the District Level Empowered Committee. If the District Level Empowered Committee passes any order to pay the amount, it is the duty of the third respondent/Insurance Company to implement the same.

4.On a perusal of the documents filed by the petitioner and taking note of the submissions made by the learned counsel appearing for the petitioner as well as the third respondent/Insurance Company, it appears that the petitioner is entitled to avail Cashless Medical Treatment with the third respondent/Insurance Company. Hence, the third respondent/Insurance Company paid a sum of Rs.1,08,190/-. The petitioner is also entitled to get the balance amount of Rs.78,154/-. Therefore, this Court directs the second respondent to adjudicate the claim of the petitioner and send the same to the District Level Empowered Committee within a period of three weeks from the date of receipt of a copy of this order. The District Level Empowered Committee is directed to pass order on recommendation of the second respondent for the claim of the petitioner within a period of six weeks thereafter.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

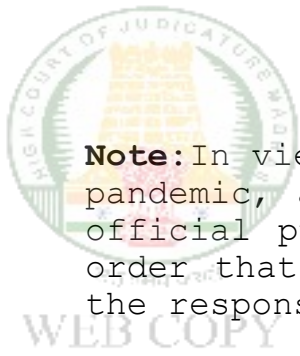
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Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To:-

1. The Principal Secretary,  
Finance (Salaries) Department,  
Secretariat, St.George Fort,  
Chennai - 600 009.
2. The Joint Director of Medical and  
Rural Health Services Department,  
Government General Hospital,  
Usilampatti,  
Madurai District - 625 532.

+1cc to Mr.S.Shajahan, Advoate, SR.No.26770.  
+1cc to the SPL GP SR.No.26843.

**W.P. (MD)No.8714 of 2020**  
**21.12.2020**

SGS (CO)  
CS(05.01.2021) 3P 5C