

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8027 of 2021

K.Gunasekaran

... Petitioner

-vs-

1. The Director of Medical and Rural Health Services,
Member Secretary,
State Level Empowered Committee for NHIS,
DMS Compound,
Chennai - 600 006.
2. The Commissioner of Treasuries and Accounts,
Amma Complex, 3rd Floor,
Veterinary Hospital Campus,
No.571, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Treasury Officer,
O/o. District Treasury Office,
Erode District - 638 001.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the appeal made by the petitioner through 2nd respondent herein in the light of the Judgment passed in S.Marimuthu Vs Government of Tamil Nadu and others.

For Petitioner : Mr.J.Rajmohan

For Respondents: Mr.J.Pothiraj,

Special Government Pleader

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O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to pass orders on the appeal made by the petitioner through 2nd respondent herein in the light of the Judgment passed in S.Marimuthu Vs Government of Tamil Nadu and others.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that the petitioner who is a pensioner, paying subscription for medical insurance under the New Health Insurance Scheme, Government of India, had claimed medical reimbursement for the treatment taken in a private Hospital. When the petitioner made a representation to the 3rd respondent for reimbursement of medical expenses, he rejected the same citing three reasons and advised the petitioner to prefer an appeal to the 2nd respondent. Accordingly, the petitioner prefers an appeal dated 24.04.2020 before the 2nd respondent through 1st respondent. As there was no response on the same, even after a remainder dated 05.11.2020, the petitioner is before this Court by filing the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's appeal is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to dispose of the appeal preferred by the petitioner dated 24.04.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the appeal dated 24.04.2020 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send

communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vum

To

1. The Director of Medical and Rural Health Services,
Member Secretary,
State Level Empowered Committee for NHIS,
DMS Compound,
Chennai - 600 006.
2. The Commissioner of Treasuries and Accounts,
Amma Complex, 3rd Floor,
Veterinary Hospital Campus,
No.571, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Treasury Officer,
O/o. District Treasury Office,
Erode District - 638 001.

+1 CC to Mr.J. Rajmohan, Advocate sr 21672.

+1 CC to The Government Pleader sr 21464.

सत्यमेव जयते

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PL(CO)
SP(02/06/2021)

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