

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16439 of 2020

Ignatius Joseph

... Petitioner

Vs

1.The Government of Tamil Nadu
rep. by its Secretary,
Finance (Pension) Department,
Fort St. George,
Chennai-600 009.

2.The Director,
Medical and Rural Health Services Department,
Teynampet, Chennai - 600 006.

3.The Principal Secretary/
Commissioner of Treasuries and Accounts,
Veterinary Hospital Campus,
Nandanam,
Chennai-600 035.

4.The United India Insurance Company Ltd.,
rep. by its Divisional Manager,
Divisional Office-010600,
5th Floor, P.L.A.Rathina Towers,
212, Anna Salai,
Chennai-600 006.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to dispose of petitioner's Appeal dated 16.04.2019 which was forwarded by the 3rd respondent to the 2nd respondent vide L.Dis.No.32735/2019/NHIS-5, dated 16.10.2019 within a specific time frame that may be fixed by this Court.

For Petitioner : Mr.T.K.Saravanan

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader
for R1 to R3

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O R D E R

This petition has been filed, seeking direction to the 2nd respondent to dispose of the petitioner's Appeal dated 16.04.2019 which was forwarded by the 3rd respondent to the 2nd respondent vide L.Dis.No.32735/2019/NHIS-5, dated 16.10.2019 within a specific time frame.

2. The case of the petitioner is that the petitioner is a retired Government servant who has undergone a surgery called "Laposcopic Cholecystectomy" in St.Isabel Hospital, Mylapore, Chennai - 600 004 on 02.05.2018 and incurred a medical expenses of Rs.1,54,097.52. Hence he sent a letter dated 13.06.2018 to the Pension Pay Officer, Nandanam, Chennai for reimbursement of his medical expenses incurred for the above surgery. The same was forwarded to the 2nd respondent through the Joint Director, Medical and Rural Health Services, Chennai. The 2nd respondent rejected the claim of the petitioner on the ground that the treatment was taken in a Non-network hospital. Hence, the petitioner preferred an appeal on 16.04.2019 before the State Level Empowered Committee through the Pension Pay Officer, Chennai. The appeal was forwarded by the Pension Pay officer to the 3rd respondent by a letter dated 09.09.2019 who in turn forwarded the Appeal to the 2nd respondent by a letter dated 16.10.2019 to place it in the State Level Empowered Committee for its decision. But so far the petitioner has not get any reply for his claim. Hence, this writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion of the matter, directs the 2nd respondent to consider the appeal filed by the petitioner dated 16.04.2019 and pass appropriate orders thereon in accordance with law within a period of three months from the date of receipt of a copy of this order, if there is no legal impediment to do so.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamil Nadu
Finance (Pension) Department,
Fort St. George,
Chennai-600 009.
- 2.The Director,
Medical and Rural Health Services Department,
Teynampet, Chennai - 600 006.
- 3.The Principal Secretary/
Commissioner of Treasuries and Accounts,
Veterinary Hospital Campus,
Nandanam,
Chennai-600 035.
- 4.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office-010600,
5th Floor, P.L.A.Rathina Towers,
212, Anna Salai,
Chennai-600 006.

+1cc to Mr.T.K.Saravanan, Advocate SR.714
+1cc to the Government Pleader SR.514

SSD(CO)
CB(09/02/2021)

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