



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4116 of 2021

and

W.M.P (MD) No.3318 of 2021

K.Johnson

...Petitioner

Vs.

- 1.The Secretary to Government,
(Finance and Pension Department),
Secretariat, Fort St.George,
Chennai.
- 2.The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet, Chennai-600 015.
- 3.The United India Insurance Company Ltd.,
Rep by its Divisional Manager,
No.212, Anna Salai,
Chennai-600006.
- 4.District Level Committee
Rep by the District Collector,
Nagercoil, Kanyakumari District,
Nagercoil-629001.
- 5.The Treasury Officer,
District Treasury,
Nagercoil,
Kanyakumari District.
- 6.The Joint Director,
Welfare Department,
Ayurveda Medical College Campus,
Kottar, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent dated 23.01.2020, rejecting the claim made by the petitioner for medical reimbursement and the consequential impugned order passed by the fifth respondent in No.Ka.No.21977/2015/2019/L2(33), dated 04.03.2020 and to quash the



same and consequentially direction to the respondents to grant medical treatment given to his wife, along with 9% interest from the date of claim made by the petitioner.

For Petitioner

: Mr.Lakshmi Gopinathan

for M/s.Polax Legal Solutions

For R-1, R-2 &
R-4 to R-6

: Mrs.V.P.M.Vaishnavi
Government Advocate

For R-3

: Mr.A.Shajahan

O R D E R

The petitioner herein is a retired Village Administrative Officer and a member of the Tamil Nadu Governments New Health Insurance Scheme for pensioners. In connection with the medical treatment taken at KIMS Hospital, Trivandrum, on 09.08.2018, a claim for Rs.3,91,588/- was made before the District Level Empowered Committee, which was rejected through the impugned order dated 21.03.2020 followed by the consequential order of the fifth respondent dated 04.03.2020. As against the order of the District Level Empowered Committee, an appeal remedy is provided to the State Level Empowered Committee.

2.The petitioner herein had raised certain factual grounds and submitted that the appeal remedy need not be exhausted and that they are entitled to invoke extraordinary powers of this Court under Article 226 of the Constitution of India. The powers of this Court to entertain such a ground is restricted to a very few exceptions in order to overlook a statutory appeal remedy and the factual grounds raised by the petitioner may not fall under these exceptions. Nevertheless, if the petitioner is granted liberty to file an appeal against the order of the District Level Empowered Committee within a stipulated time with a consequential direction to the State Level Empowered Committee to dispose of the same, the ends of justice could be secured.

3.In the light of the above observations, the petitioner is granted liberty to file an appeal against the impugned order passed by the fifth respondent in Na.Ka.No.21977/2015/2019/L2(33), dated 04.03.2020, within a period of 30 days from the date of receipt of a copy of this order and on receipt of the appeal, the State Level Empowered Committee shall endeavour to dispose of the



accordance with law, as expeditiously as possible, in any event within a period of three months from the date of first hearing of the appeal.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

CP

To

1. The Secretary to Government,
(Finance and Pension Department),
Secretariat, Fort St. George,
Chennai.
2. The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet, Chennai-600 015.
3. The District Collector
District Level Committee
Nagercoil, Kanyakumari District,
Nagercoil-629001.
4. The Treasury Officer,
District Treasury,
Nagercoil,
Kanyakumari District.
5. The Joint Director,
Welfare Department,
Ayurveda Medical College Campus,



Kottar, Nagercoil,
Kanyakumari District.

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+1 CC to M/s.A.SHAJAHAN, Advocate (SR-12658[F] dated 22/03/2021)

+1 CC to M/s.SPL GP (SR-12972[F] dated 23/03/2021)

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GS (22.04.2021) 4P 8C