



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD)No.17224 of 2017

A.Selvaraj

... Petitioner

Vs.

1.The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 008.

2.The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building,
Madurai.

3.The Director of Treasuries Accounts and Director of Medical and
Rural Health Services,
Panagal Maligai,
Saidapet,
Chennai 600 015.

3rd respondent *suo motu* impleaded as per
Court order dated 16.03.2021.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to sanction the eligible amount to the petitioner, since the claim of the petitioner cannot be rejected on the only ground that the hospital in which the petitioner undergone treatment in an unconscious condition is unapproved, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.Solai Raja
For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to sanction the eligible amount to the petitioner, since the claim of the petitioner cannot be rejected only on the ground that the hospital in which the petitioner undergone treatment in an unconscious condition is unapproved, within a specified time frame that may be fixed by this Court.

2. The case of the petitioner is that the petitioner is the retired Sub Inspector of Police in Tamil Nadu Police Department. While so, in the year 2016, the petitioner suddenly fell ill and due



to heavy fever, he became unconscious and his family members admitted the petitioner in Apollo Hospital, K.K.Nagar, Madurai on 01.05.2016. Thereafter, he was discharged from the hospital on 12.05.2016 and he incurred a sum of Rs.1,69,990/-. Therefore, he made a detailed representation to the respondents to issue necessary direction to MD India Health Care Service (TPA) Private Limited, Chennai. But, the respondents have denied the request of the petitioner. Again, the petitioner has made a request to the second respondent to disburse the medical expenses incurred by him. But the second respondent has sent a reply on 01.03.2017, stating that the treatment procedure is not covered under policy and directed the petitioner to go for appeal before the State Level Empowered Committee. Therefore, the petitioner has preferred an appeal before the State Level Empowered Committee headed by the Director of Treasuries Accounts and Director of Medical and Rural Health Services on 08.05.2017. However, till date the said appeal was not disposed of. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that though the petitioner filed an appeal before the State Level Empowered Committee headed by the Director of Treasuries Accounts and Director of Medical and Rural Health Services, they were not a party to the writ petition. Hence, this Court may issue a direction to the State Level Empowered Committee.

4. Though the petitioner has not impleaded the State Level Empowered Committee headed by the Director of Treasuries Accounts and Director of Medical and Rural Health Services, this Court *suo motu* impleads the Director of Treasures Accounts and Director of Medical and Rural Health Services as third respondent in this writ petition and directs the third respondent to dispose of the appeal petition filed by the petitioner, dated 08.05.2017, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. For better appreciation, the petitioner is directed to send a copy of the appeal petition along with this order copy to the third respondent to enable him to pass orders.

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

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv



To

1.The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 008.

2.The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building,
Madurai.

3.The Director of Treasuries Accounts and Director of Medical and
Rural Health Services,
Panagal Maligai,
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Chennai 600 015.

+1 CC to M/s.S.SOLAI RAJA, Advocate (SR-11891[F] dated 17/03/2021)

W.P. (MD) No.17224 of 2017
16.03.2021

KUN(CO)
KB(08.07.2021) 3P 5C