

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.6738 of 2021

M.Kausar Begam

..Petitioner

vs.

1. The Additional Chief Secretary to Government,  
Finance Department,  
High Level Empowered Committee,  
Fort St.George, Chennai-600 009.
2. The Principal Secretary /  
Commissioner of Treasuries & Accounts,  
State Level Empowered Committee,  
3<sup>rd</sup> Floor, Amma Complex,  
Veterinary Dispensary Complex,  
571, Anna Salai, Nandanam,  
Chennai-600 035.
3. The Director of Medical and Rural Health Services,  
Anna Salai, Teynampet,  
Chennai-600 006.
4. Treasury Officer,  
District Treasury, Dharmapuri.
5. United India Insurance Co. Ltd.,  
Rep. By its Divisional Manager,  
Divisional Office, V Floor,  
P.L.A.Rathna Towers,  
212, Anna Salai,  
Chennai-600 006.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent proceedings in K.Dis.5993/2018/E1 dated 14.09.2018 and the 3<sup>rd</sup> respondent proceedings in O.M.No.6361/KP1/3/2019 dated 26.08.2019 and quash the proceedings dated 14.09.2018 and 26.08.2019 and consequently, direct the respondents herein to accept the claim and settle the medical claim of Rs.5,12,613/- to the petitioner for kidney ailment treatment of petitioner's

husband late K.Mahaboob Jan at NU Hospital, Bangalore and Davita Care (India) Pvt. Ltd. Hosur.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.A.M.Ayyadurai,  
Government Advocate for R1 to R4  
Mr.P.Sankaranarayanan for R5

#### O R D E R

The petitioner, challenging the order of the third respondent dated 26.08.2019, in and by which the appeal filed by the petitioner has been rejected on the ground that the State Level Appeal Committee has decided that the treatment for the petitioner's husband was taken in non-network hospital, has filed the present writ petition.

2.According to the petitioner, the petitioner's husband was suffering from Type 2 Diabetic Melitus, Hyper Tension and Kidney ailments and underwent treatment in hospitals and incurred medical expenses of Rs.5,14,363/-. Though the petitioner's husband spent Rs.5,14,363/-, claim was made for Rs.5,12,613/- by two applications and the third respondent, vide letter dated 30.01.2018 informed that since the treatment was done in non-network hospital, the claim is rejected. Subsequently, the appeal filed by the petitioner's husband was also rejected vide order dated 26.08.2019 and challenging the same, the petitioner has filed the present writ petition.

3.The learned counsel for the petitioner submits that the petitioner's husband died on 02.12.2018 and the petitioner has also filed an appeal before the first respondent as against the rejection order passed by the fourth respondent and the said appeal is pending before the first respondent and therefore prays for appropriate direction to the first respondent to consider the petitioner's appeal within the time stipulated by this Court.

4.Mr.A.M.Ayyadurai, learned Government Advocate for the respondents 1 to 4 submits that appropriate orders will be passed by the first respondent on the appeal filed by the petitioner.

5.In the light of the above submissions and considering the limit scope of prayer sought for by the petitioner, this Court directs the first respondent to pass orders on the appeal filed by the petitioner on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this

order.

6.The Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Additional Chief Secretary to Government,  
Finance Department,  
High Level Empowered Committee,  
Fort St.George, Chennai-600 009.
2. The Principal Secretary / Commissioner of  
Treasuries & Accounts,  
State Level Empowered Committee,  
3<sup>rd</sup> Floor, Amma Complex,  
Veterinary Dispensary Complex,  
571, Anna Salai, Nandanam,  
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3. The Director of Medical and Rural Health Services,  
Anna Salai, Teynampet, Chennai-600 006.
4. Treasury Officer,  
District Treasury, Dharmapuri.
5. The Divisional Manager,  
United India Insurance Co. Ltd.,  
Divisional Office, V Floor,  
P.L.A.Rathna Towers,  
212, Anna Salai, Chennai-600 006.

+1cc to Mr.P.Sankaranarayanan, Advocate, S.R.No.27099

+1cc to the Government Pleader, S.R.No.26786

W.P.No.6738 of 2021

KK(CO)  
RGA(26/04/2022)