WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.99 of 2022

C.Nirmala ... Petitioner

-Vs-

1.The Secretary to Government,
Finance Department,
Secretariat, Chennai.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Joint Director of Medical and Rural
Health Services (FAC),
Kanyakumari District, Nagercoil.

4.The Divisional Manager,
United India Insurance Co-Ltd.,
Divisional Office, 5th Floor,
212, Anna Salai, Chennai-6. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent ie., the Joint Director of Medical and Rural Health Services (FAC), Kanyakumari District in his Ref.No.1707/E4/R/06/2019-1 dated 07.05.2020 and quash the same and consequently, direct the first respondent ie., the Secretary to Government, Finance Department, Chennai to sanction the eligible amount to the petitioner since the claim of the petitioner cannot be rejected on the only ground that the treatment was taken in a Non-network Hospital, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.G.Ramanathan
For R1 to R3 : Mr.A.K.Manikkam,
Special Government Pleader.
For R4 : Mr.A.Shajahan

ORDER

The order of the Joint Director of Medical and Rural Health Services (FAC) in proceedings dated 07.05.2020, rejecting the claim of the writ petitioner for medical reimbursement claim, is under challenge in the present Writ Petition.

2.The reason for rejection is that the petitioner has taken treatment in a non-network hospital at Trivandrum in the State of Kerala. Thus, as per the guidelines issued by the Government, the

https://hcservices.ecourts.gov.in/hcservices/

District Level Empowered Committee has not considered the case of the writ petitioner. The Joint Director being a member of the District Level Empowered Committee, has issued the impugned order and therefore, there is no reason whatsoever to permit the petitioner to approach the District Level Empowered Committee. Thus, the petitioner is at liberty to approach the State Level Empowered Committee under the Health Insurance Scheme for redressal of her grievance. In the event of filing any such appeal, the State Level Empowered Committee shall consider the issue on merits and with reference to the terms of the scheme, as expeditiously as possible.

3.With this liberty, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1.The Secretary to Government,
Finance Department,
Secretariat, Chennai.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Joint Director of Medical and Rural
Health Services (FAC),
Kanyakumari District, Nagercoil.

Copy to:

The Officer in Charge,
District Level Empowered Committee,
Kanyakumari District.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9620[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9253[F] dated 01/03/2022)

W.P.(MD)No.99 of 2022
28.02.2022

MGJ(11.03.2022) 2P 7C

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/