



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.1334 of 2021

and

W.M.P (MD)No.1108 of 2021

A.Gnanaprakasi

... Petitioner

Vs.

1.The District Collector cum Chairman,
District Level Empower Committee,
Kanniyakumari District.

2.The Divisional Manager,
United India Insurance Company Limited,
5th Floor, PLA Rathna Towers,
No.212, Anna Salai,
Chennai-600 006.

3.The Joint Director,
Medical and Rural Health Services,
Kanniyakumari & District.

4.The District Treasury Officer,
Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings No.Nil, dated 08.10.2020 and consequential order passed by the 4th respondent in his proceedings in RC No.21977/2015-2019 (42)/L2 dated 05.11.2020 and quash the same and direct the respondents to sanction the amount of Rs.1,56,064/- with admissible interest.

For Petitioner : Mr.V.Panneer Selvam

For R1,R3 & R4 : Mr.M.Ramesh
Government Advocate

For R2 : Mr.A.Shajahan



ORDER

The order of rejection passed by the fourth respondent in proceedings dated 05.11.2020 rejecting the claim of the writ petitioner for medical reimbursement is under challenge in the present writ petition.

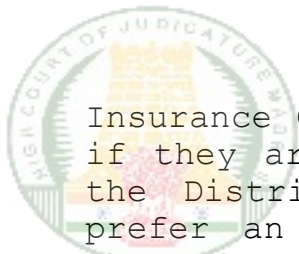
2.The petitioner is a retired Teacher and he was taking treatment in Regional Cancer Institute, Trivandrum. Suddenly, he was suffered severe pain and went for routine check-up. Since the petitioner was not in a position to move anywhere due to severe pain. He was admitted in the hospital on emergency circumstances and took treatment.

3.The petitioner states that he was not in a position to take treatment in the network hospital, on account of emergency circumstances. Subsequently, he filed an application for medical reimbursement and the said application was duly considered by the District Level Empowered Committee.

4.The learned Government Advocate appearing for the respondents 1, 3 and 4 made a submission that the the District Level Empowered Committee recommended the case of the writ petitioner for medical reimbursement claim.

5.The representative of the second respondent Insurance Company is also a member of the District Level Empowered Committee. If at all any objection, the Insurance Company ought to have raised before the Committee itself. Once the District Level Empowered Committee recommended the case wherein the Insurance Company representative is also a member, thereafter, if they are aggrieved, then they have to prefer an appeal before the State Level Empowered Committee. However, the Insurance Company cannot sit on appeal in respect of the recommendations of the District Level Empowered Committee. In other words, the Insurance Company cannot act as a appellate authority in respect of the recommendations made by the District Level Empowered Committee. It is brought to the notice of this Court that the Insurance Company representative also signed the minutes recorded by the District Level Empowered Committee. That being so, now the Insurance Company cannot turn around and sit on appeal in respect of the recommendations made by the District Level Empowered Committee. Their remedy is before the State Level Empowered Committee and such an appeal is to be filed only after settle the amount as per the recommendations of the District Level Empowered Committee. The medical treatment being an integral part of Article 21 of the Constitution of India, the right of medical reimbursement need not be denied on certain flimsy grounds.

6.In the present case, the District Level Empowered Committee recommended the case of the writ petitioner. Thus, the United India



Insurance Company has to settle the medical reimbursement claim and if they are aggrieved from and out of the recommendations made by the District Level Empowered Committee, they are at liberty to prefer an appeal before the State Level Empowered Committee and thereafter, if necessary approach the Government for redressal of their grievances. However, the member of the Health Funds Scheme cannot be denied on such grounds, when the case was considered by the District Level Empowered Committee.

7.This being the factum, the second respondent is directed to settle the medical reimbursement claim of the writ petitioner as per the recommendations of the District Level Empowered Committee within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the impugned order passed by the second respondent in proceedings No.Nil, dated 08.10.2020 is quashed and the writ petition is allowed. If at all they are aggrieved, they are at liberty to approach the State Level Empowered Committee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector cum Chairman,
District Level Empower Committee,
Kanniyakumari District.
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United India Insurance Company Limited,
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- 4.The District Treasury Officer,
Nagercoil,
Kanniyakumari District.

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-18744[F] dated 13/04/2022)



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+1 CC to M/s.SPL.GP. (SR-18947[F] dated 18/04/2022)

+1 CC to M/s.V. PANNEER SELVAM, Advocate (SR-19096[F] dated 18/04/2022)

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