



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2536 of 2022
and
W.M.P. (MD) No.2232 of 2022

E.Maria Micheal ... Petitioner

-vs-

- 1.State of Tamil Nadu,
Rep., by its Additional Chief Secretary to Government,
Department of Finance,
Fort. St. George, Chennai-9.
- 2.The Joint Director of Medical and Rural Health Services,
O/o.The Joint Director of Medical and Rural Health Services,
Nagercoil, Kanyakumari District.
- 3.The District Level Empowered Committee,
Rep. by the District Collector,
Kanyakumari District.
- 4.The Treasury Officer,
District Treasury, Nagercoil,
Kanyakumari District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Rc.No.21977/2015(2)/L2 dated 27.04.2021 on the file of the Respondent No.4 in so far as petitioner is concerned and quash the same as illegal and consequently for a direction, directing the Respondents to provide medical reimbursement to the tune of Rs.1,76,112/- (One Lakh Seventy Six Thousand and Hundred and Twelve Rupees only) to the petitioner with interest at the rate of 12% per annum for the delayed payment in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant Jha Vs Union of India reported in AIR 2018 SC 1975 and the Judgment of the Hon'ble Madurai Bench of Madras High Court in W.P.(MD) No.13429 of 2013 dated 28.05.2019 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.D.S.Nedunchezhan,
Government Advocate

O R D E R

The order of rejection, rejecting the medical reimbursement claim of the writ petitioner by the Treasury Officer, Nagercoil, is under challenge in the present writ petition.

2.The order impugned states that the case of the writ petitioner for medical reimbursement has not been recommended as per G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018. In other words, the District Level Empowered Committee has not recommended the case of the writ petitioner and therefore, the petitioner has to approach the State Level Empowered Committee constituted for the purpose of verifying the correctness or otherwise of the decision taken by the District Level Empowered Committee.

3.This Court is of the considered opinion that certain disputes, with reference to the medical reimbursement claim, cannot be adjudicated in a writ proceedings. The District Level Empowered Committee formed an opinion that the petitioner has not established any emergency care or otherwise in accordance with the Government Policy for medical reimbursement. Therefore, the petitioner has to approach the State Level Empowered Committee for the purpose of redressal of his grievance wherein Doctors are also members. The scheme provides such an appeal and exhausting the appeal is of paramount importance, as the right of the members to redress their grievances in the manner provided need not be taken away in an unnecessary manner. Under these circumstances, the petitioner is at liberty to approach the State Level Empowered Committee questioning the validity of the decision taken by the District Level Empowered Committee. If the disease or treatment underwent by the petitioner is not covered, then the petitioner is at liberty to approach the competent authority under the Tamil Nadu Medical Attendance Rules.

4.With the above liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

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/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Department of Finance,
Fort. St. George, Chennai-9.
 - 2.The Joint Director of Medical and Rural Health Services,
O/o.The Joint Director of Medical and Rural Health Services,
Nagercoil, Kanyakumari District.
 - 3.The District Level Empowered Committee,
Rep. by the District Collector,
Kanyakumari District.
 - 4.The Treasury Officer,
District Treasury, Nagercoil,
Kanyakumari District.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9645[F] dated 03/03/2022)
- +1 CC to M/s.SPL GP (SR-9696[F] dated 03/03/2022)

ORDER MADE IN
W.P. (MD) No.2536 of 2022
02.03.2022

KVL/12.03.2022/3P/7C