



W.A.(MD)No.551 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.551 of 2021
and
C.M.P.(MD)No. 2503 of 2021

The United India Insurance Company Limited,
represented by its Divisional Manager,
Divisional Office, VI,
5th Floor, P.L.A. Rathina Towers,
No.212, Anna Salai,
Chennai 6.

... Appellant

Vs.

- 1.P.Krishnammal
- 2.The Secretary to Government,
(Finance and Pension Department),
Secretariat, Fort St.George,
Chennai.
- 3.The Commissioner of Treasuries and
Accounts,
Integrated Office Complex for Finance
Department,
3rd Floor, Veterinary Hospital Campus,
Annasalai, Chennai 600 035.



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4.District Level Committee,
represented by District Collector,
Nagercoil, Kanyakumari District.

5.The District Treasury Officer,
The District Treasury Office,
Nagercoil, Kanyakumari District.

6.The Joint Director of Medical and
Rural Health Services,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent
against the order of this Court in W.P.(MD)No.18067 of 2020, dated
09.12.2020.

For Appellant :Mr.A.Shajahan

For R1 :No appearance

For R2 to R6 : Mr.S.P.Maharajan

Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed challenging the order passed
in Writ Petition W.P.(MD)No.18067 of 2020, dated 09.12.2020.



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2. The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to quash the proceedings, dated 17.03.2020 of the third respondent and consequently, to direct the respondents to disburse Rs.5,60,075/- spent by the petitioner for the treatment underwent by her within a stipulated time fixed by this Court.

3. The brief facts as stated in the writ petition are that the petitioner is a retired P.G. Assistant in Dathi Girls Higher Secondary School, Nagercoil. The respondents are deducting amount from her pension towards Pensioners Health Fund Scheme. The petitioner was admitted in Jeyasekaran Hospital, Nagercoil, due to heart disease and an angiogram surgery was conducted on 11.09.2019 in Vasantham Hospital and the petitioner settled a sum of Rs.27,500/- as per the instructions of the hospital authorities. Subsequently, the petitioner paid Rs.4,73,575/- as per the instructions of the hospital authorities.



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So, totally the petitioner paid Rs.5,60,075/- to the Hospital.

The petitioner submitted an application to the fifth respondent herein on 29.10.2019, enclosing all the bills and discharge summary and it was forwarded to the District Level Empowered Committee. The sixth respondent herein directed the petitioner to appear before the District Level Empowered Committee on 19.12.2019. The petitioner appeared before the District Level Empowered Committee and it was forwarded to the third respondent herein.

4. The third respondent herein rejected the claim of the petitioner stating that the patient was admitted with diagnosis of CAD-TVD and underwent CABG in KIMS Hospital, Trivandrum. As per the discharge summary, the patient got admitted for early CABG which is not an emergency procedure and hence, the claim cannot be considered as per G.O.No.222, dated 30.06.2018. He also returned the documents saying



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that the treatment was taken in non-network hospital.

5. The contention of the petitioner in the writ petition is that the Insurance Company having receiving the amount from the salary of the petitioner every month towards Pensioner's Health Fund Scheme is having duty to reimburse the amount spent for treatment through the agency engaged by the Government.

6. The learned Single Judge disposed of the writ petition and held as follows:

"6. Upon perusal of the order of District Level Empowered Committee, it is seen that after scrutinizing the entire documents, the fourth respondent has passed an order directing the third respondent / Insurance Company to pay the said sum and this Court is of the view that the District Level Empowered Committee has passed an order and it is the duty of the third respondent to pay the said amount as the petitioner has submitted all the documents. Further, the one of the Members of the District Level Empowered Committee is the representative of the third respondent. Therefore, the scrutiny of the third respondent is unwanted. While making the above observations by this Court, since the



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petitioner herself volunteers to produce all the documents, as sought for by the third respondent, this Court directs the petitioner to produce all the documents as sought for by the third respondent vide its impugned order dated 17.03.2020, within a period of two weeks from the date of receipt of a copy of this order and the third respondent/Insurance Company is directed to settle the entire claim, as per the order of the fourth respondent / the District Level Empowered Committee within a period of eight weeks thereafter."

Aggrieved over the said order passed in the writ petition, the Insurance Company has come up with the present writ appeal.

7. The only ground that was raised before this Court is that, if any order is passed by the District Level Empowered Committee, the Insurance Company has appellate remedy before the State Level Empowered Committee. The issue of appeal to the State Level Empowered Committee was considered in a batch of writ appeals W.A.(MD)Nos.1468 and 1471 of 2021, dated 28.07.2021, wherein the Division Bench has held and granted liberty to the Insurance Company to approach the State Level Empowered Committee.



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8. Therefore, the Learned Single Judge order is set aside and the appellant Insurance Company is granted liberty to approach the State Level Empowered Committee within a period of three weeks from the date of receipt of a copy of this order. The insurance company shall comply with the order of the State Level Empowered Committee.

9. With the above said observation, the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
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Index : Yes / No

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