



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.04.2022

CORAM:

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

W.P. (MD)No.5585 of 2022

V.Selvaraj

... Petitioner

Vs.

1.The Secretary to Government
(Finance and Pension Department)
Secretariat,
Fort St. George,
Chennai.

2.The Commissioner of Treasuries and Accounts,
Integrated Office complex for Finance Dept.
3rd Floor, Veterinary Hospital Campus,
Anna Salai
Chennai 600 035.

3.The United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
Divisional Office VI
5th Floor, PLA Rathana Towers,
No.212 Anna Salai
Chennai 6

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

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

6.The Sub Treasurer
The Sub Treasury Officer,
Vilavancode,
Kanyakumari District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records on the file of 5th respondent pertaining to its order

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bearing R.C.No.21977/2015(55)/L2 dated 24.11.2021 and to quash the same and consequently direct the respondents to disburse Rs.2,45,352/- spent by the petitioner for the treatment underwent by him within a stipulated time fixed by this Court.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents

: Mr.A.K.Manikkam,

Special Government Pleader
for R1, 2, 4 to 7

Mr.A.Shajahan for R3

ORDER

The order of rejection rejecting the medical reimbursement application submitted by the writ petitioner is under challenge in the present writ petition.

2. The petitioner was working as Special Sub Inspector of Police and retired from service on 31.03.2009. The petitioner is the member of the new health insurance scheme. The petitioner underwent treatment at Anandhapuri Hospital and Research Institute at Trivandrum. It is a network hospital as per the Government order passed in G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018.

3. The District Level Empowered Committee considered the medical records of the petitioner and not recommended the case of the writ petitioner merely stating that as per G.O.Ms.No.222 dated 30.06.2018, the petitioner is not eligible for medical reimbursement claim.

4. The reason stated is ambiguous. The reason for rejection or non recommendation must be specific with reference to the Government order in force. The District Level Scrutiny Committee while considering the medical reimbursement application should record the reason in clear terms with reference to the health insurance policy issued in Government orders. Contrarily it cannot simply say that not recommended as per G.O.Ms.No.222 dated 30.06.2018.

5. The question arises how a pensioner can understand the reason for non recommendation. Therefore, the reason for non recommendation must be clear and the reason must be in support of the Government policy issued in Government orders. For example, if the treatment is taken in a non networking hospital, it is to be clearly stated, if the urgency for taking treatment in non networking hospital is not established. Then also such reason must be elaborated in the order impugned. Contrarily an application cannot be rejected in a routine manner by merely stating that it is not recommended as per G.O.Ms.No.222, which will raise several doubts in the mind of the applicants, who are all anxious in getting



their medical reimbursement claims.

6. Even the principles of administrative law requires that the authorities while dealing with such disputes are expected to record clear findings for acceptance or rejection. The findings must be unambiguous and should be made clear to the person aggrieved enabling them to understand on what grounds the claim is either accepted or rejected. In other words, the reasons in the order is live-link and in the absence of any such reasons, such orders cannot be sustained in the scrutiny of law. Therefore, the orders passed by the competent authorities must contain the reasons for understandable manner and enabling the aggrieved person to know on what grounds his application is rejected or otherwise.

7. In the present case, the reasons stated is ambiguous and not clear. Merely citing a Government order for such non recommendation is insufficient and therefore, this Court is of the opinion that the writ petition is fit to be remanded back for fresh consideration.

8. Accordingly, the order impugned passed by the 5th respondent dated 24.11.2021 is quashed as far as the writ petitioner is concerned and the District Level Empowered Committee is directed to consider the application of the writ petitioner afresh and take a decision and pass appropriate speaking orders on merits and in accordance with law. The District Level Empowered committee is directed to complete the said exercise within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

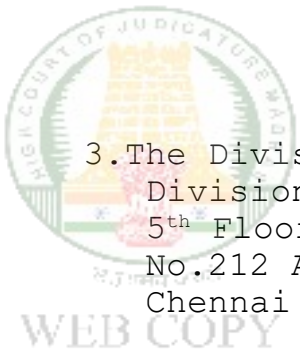
RR

To

1.The Secretary to Government
(Finance and Pension Department)
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Chennai.

2.The Commissioner of Treasuries and Accounts,
Integrated Office complex for Finance Dept.
3rd Floor, Veterinary Hospital Campus,
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- 3.The Divisional Manager,
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- 4.District Collector,
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Nagercoil, Kanyakumari District.
- 5.The District Treasury Officer,
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The Sub Treasury Officer,
Vilavancode,
Kanyakumari District.
- 7.The Joint Director of Medical and Rural Health Services,
Nagercoil
Kanyakumari District.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-17771[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17537[F] dated 08/04/2022)

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-17096[F] dated 07/04/2022)

W.P. (MD)No.5585 of 2022
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SS (CO)
KB(21.04.2022) 4P 11C