



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11531 of 2021

S.Deva Vijaya

... Petitioner

vs.

1.The Additional Chief Secretary to Government
Department of Finance
Fort St.George, Chennai-9

2.The District Collector / Chairman
The District Level Empowered Committee
Kanyakumari District

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

4.The Chief Educational Officer
O/o.the Chief Educational Officer
Nagercoil, Kanyakumari District

5.The District Educational Officer
O/o.the District Educational Officer
Kuzhithurai, Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to provide medical reimbursement to the tune of Rs.5,89,228/- (Rupees five lakhs eighty nine thousand two hundred and twenty eight only) along with interest at the rate of 7.5% per annum as recommended by the District Level Empowered Committee on 26.07.2019 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 Madurai Bench of Madras High Court in W.P.(MD) No.13429 of 2013, dated 28.05.2019.

For Petitioner : Mr.Lajapathi Roy.T.

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

O R D E R

The petitioner's husband was working as Vocational Instructor in the Government Higher Secondary School, Palugal, Kanyakumari District and he was a member of the Health Insurance



Scheme. He underwent certain medical treatments. Unfortunately, the petitioner's husband died despite the treatment underwent by him. The petitioner submitted an application for medical reimbursement and it was forwarded to the competent Authority and the District Level Empowered Committee has recommended the eligible medical expenses in favour of the petitioner. The grievance of the petitioner is that in spite of the recommendation made by the District Level Empowered Committee, the Insurance Company or the Authority competent has not passed any orders sanctioning the medical expenditures incurred by the petitioner for her husband. Thus, the petitioner is constrained to move this writ petition.

2. In view of the fact that the District Level Empowered Committee has recommended the case of the petitioner, the Authority competent has to pass orders regarding sanction of medical reimbursement as per the recommendations. Accordingly, the petitioner is directed to submit a copy of the application along with the recommendation made by the District Level Empowered Committee and the other documents along with a copy of this order to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the application submitted by the petitioner and the recommendation made by the District Level Empowered Committee and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

3. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The Additional Chief Secretary to Government,
Department of Finance,
Fort St.George, Chennai-9.

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The District Level Empowered Committee,
Kanyakumari District.



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Rural Health Services,
Nagercoil,
Kanyakumari District.

4.The Chief Educational Officer,
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Nagercoil, Kanyakumari District.

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O/o.the District Educational Officer,
Kuzhithurai, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-9250[F] dated 01/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9109[F] dated 01/03/2022

W.P. (MD) No.11531 of 2021
28.02.2022

IMS (CO)
KB(10.03.2022) 3P 8C