



WP(MD)No.12117 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

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

W.P.(MD)No.12117 of 2022

S.Radha

... Petitioner

/vs./

- 1.The Secretary to Government,
Finance Department,
Secretariat, Chennai-9.
- 2.Joint Director of Health Services,
Tirunelveli District at Tenkasi,
Tenkasi District.
- 3.The Treasury Officer,
District Treasury, Tenkasi,
Tenkasi District.
- 4.Md India Health Insurance TPA Private Limited,
Rep. by its Regional Manager, Guna Complex,
D.No.443 and 445, Anna Salai, Teynampet, Chennai-18.
- 5.United India Insurance Company Limited,
Rep. by its Divisional Manager,
Division VI, B L A, Rathina Towers,
2nd Floor, 212, Annasalai, Chennai-6.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to proceedings impugned order in Na.Ka.No.8529/K5/2021 dated 21.03.2022 of the 2nd respondent herein and quash the same and consequently direct the respondents herein to reimburse the medical expenses of Rs.2,84,005/- to the petitioner with adequate interest as deems fit by this Court.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader (For R1 to R3)

Mr.A.Shajahan (for R4)

Mr.C.Karthik (for R5)

ORDER

The petitioner's claim for the medical reimbursement of her husband's medical expenses was favourably recommended by the District Level Empowered Committee (DLEC) on 26.08.2021 for reimbursement. Such recommendation of DLEC is opposed by the Insurance Company and accordingly, the Insurance Company is claimed to have filed an appeal on 23.08.2022 before the State Level Empowered Committee (SLEC).



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2. This Court, in the case of **K.Kamaraj and Others vs. the District Collector, Collectorate Complex, Theni, Theni District and Others** passed in **WP(MD)No.7037 of 2022** dated **17.08.2022**, has held that when DLEC favourably recommends for reimbursement of any amount, the Insurance Company cannot deviate such finding and if at all they are aggrieved, the only option available with them is to challenge the order before SLEC. The relevant portion of the order reads as follows:

“8.As provided by the Government Order, the representative of the Insurance Company is also part of the appellate SLEC. Thus, if the Insurance Company was of the view that the DLEC's recommendation was not in conformity with the ambit of the New Health Insurance Scheme, 2014, it is always open to them to challenge the same before the SLEC. The scheme does not restrict the appeals only to the claimants and thus, the Insurance Company will be well within its powers to challenge the DLEC's recommendations. When such appeal remedy is available to the Insurance Company, there is neither any authority nor justification on their part to reject the DLEC's recommendation, as done in the present case.

9.Thus, this Court is of the view that the impugned order rejecting the DLEC's recommendation is without jurisdiction and hence, the petitioners would be entitled for



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*the medical reimbursement, as recommended by the DLEC,
which shall be payable by the Insurance Company.”*

3. When the Insurance Scheme itself provides for filing such appeals against the orders of DLEC and the Insurance Company has also challenged the same, it would be appropriate to direct the SLEC to dispose of the appeal within a stipulated time.

4. Accordingly, there shall be a direction to SLEC, the first respondent herein, to dispose of the appeal, within a period of three (3) months from the date of receipt of this order. This Writ Petition stands disposed of. There shall be no order as to costs.

29.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.12117 of 2022

Dated:
29.08.2022