



WP(MD)No.12097 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.12097 of 2022
and
W.M.P.(MD)No.8613 of 2022

S.Govindarasu

... Petitioner

/vs./

- 1.The Secretary to Government,
Finance (Pension) Department,
St. George Fort, Secretariat,
Chennai - 600 009.
- 2.The Secretary to Government,
Cooperative Food and Consumer Protection Department,
St. George Fort, Secretariat, Chennai 600 009.
- 3.The Registrar of Cooperative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar E.V.R. High Road, Kilpauk,
Chennai - 600010.
- 4.The District Level Empowered Committee,
Rep. by the Chairperson / the District Collector,
O/o. the District Collector,
Thanjavur District, Thanjavur.



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5.The Joint Director of Health And Rural Services
/ Grievance Redressal Officer
Under New Health Insurance Scheme 2018,
O/o. the Joint Director of Health and Rural Services,
Thanjavur District,
Thanjavur.

6.The Divisional Manager,
United India Insurance Company,
PLA Rathina Tower 5th Floor, 212,
Anna Salai, Chennai.

7.The Management,
Meenakshi Hospital,
244/2, Tiruchy Main Road,
Thanjavur - 613 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide Ref. 010600/G/1261/2022 dated 31.05.2022 passed by the 6th respondent and quash the same and consequently direct the 6th respondent to reimburse the Medical expenses incurred by the petitioner as per the order passed by the 4th respondent in accordance with Annexure IA of G.O.Ms.No. 222, Finance (Pension) Department, dated 30.06.2018 and direct the 1st and 2nd respondents to reimburse the remaining medical expenses incurred by the petitioner under the provisions of Tamil Nadu Medical Attendance Rules with interest at the rate of 12% per annum.



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For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.P.Thilak Kumar

Government Pleader

assisted by

Mr.M.Ramesh

Government Advocate (For R1 to R5)

Mr.C.Karthik (For R6)

Mr.S.K.Mani (For R7)

ORDER

The petitioner's claim for the medical reimbursement of his son's medical expenses was favourably recommended by the District Level Empowered Committee (DLEC) on 09.11.2021 for reimbursement of a sum of Rs.30,00,000/-. 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).

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



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



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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 and second respondents 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. Consequently, connected Miscellaneous Petition is closed.

29.08.2022

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

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TO:

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Order made in
W.P.(MD)No.12097 of 2022

Dated:
29.08.2022