



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2022

CORAM:

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

WEB COPY

W.P. (MD)No.5912 of 2019

S.Sam Richard Dhas

... Petitioner

Vs.

1.The Director of Medical &
Rural Health Services,
Teynampet,
Chennai-600 006.

2.The Joint Director of Medical &
Rural Health Services,
Ayurveda Medical College Campus,
Nagercoil,
Kanyakumari District.

3.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai-600 015.

4.The District Treasury Officer,
Nagercoil,
Kanyakumari District.

5.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office,
Xavier Building,
Assecee Road,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in Na.Ka.No.21977/2015/L2(16A), dated 13.12.2017 and the consequential order of the 5th respondent in Reg:091600/CMHIS/2017, dated 02.11.2017 and quash the same both as illegal and direct the respondents to sanction a sum of Rs.9,78,511/- being the reimbursement of cost of emergency medical treatment taken for the petitioner's wife.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.T.Selvakumaran
For R1 to R4 : Mr.M.Ramesh
Government Advocate
For R5 : Mr.A.Shajakhan

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ORDER

The rejection of medical reimbursement claim of the writ petitioner is under challenge in the present writ petition.

2.The wife of the writ petitioner underwent treatment in a non-network hospital at Pune, Maharashtra State. The petitioner being a member of the New Health Insurance Scheme submitted an application for medical reimbursement.

3.The learned counsel appearing for the fifth respondent Insurance Company made a submission that the District Level Empowered Committee not recommended the case of the writ petitioner, as the medical treatment was taken at Pune in non-network hospital and further, the petitioner has not established the emergency circumstances or otherwise.

4.Considering the fact that the District Level Empowered Committee has not recommended the case of the writ petitioner, the United India Insurance Company Ltd., also declined to settle the medical reimbursement claim under the scheme of medical reimbursement. If the District Level Empowered Committee has not recommended the case of the claim, then the claimant has to prefer an appeal before the State Level Empowered Committee to establish his case and to prove the emergency circumstances arose for the purpose of taking treatment in other State or any other place. Thus, the petitioner is at liberty to approach the State Level Empowered Committee for the purpose of redressal of his grievance.

5.With these liberty, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS I)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)



To

1.The Director of Medical &
Rural Health Services,
Teynampet,
Chennai-600 006.

2.The Joint Director of Medical &
Rural Health Services,
Ayurveda Medical College Campus,
Nagercoil,
Kanyakumari District.

3.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai-600 015.

4.The District Treasury Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-20391[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP (SR-21030[F] dated 25/04/2022)

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MK/06.05.2022/3P/7C