



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

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

W.P. (MD) No.14862 of 2020

S.Arunachalam

... Petitioner

-vs-

- 1.The Director of Medical and  
Rural Health Services,  
Teynampet, Chennai - 600 006.
- 2.The District Collector,  
Nagercoil, Kanyakumari District.
- 3.The Joint Director of Medical and  
Rural Health Services,  
Ayurveda Medical College Campus, Nagercoil,  
Kanyakumari District.
- 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:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 4<sup>th</sup> Respondent in Rc.No.21977/2015-2020(44)/L2 dated 31.07.2020 and quash the same as illegal and consequently direct the 3<sup>rd</sup> respondent to sanction a sum of Rs.1,77,499/- being the reimbursement of cost of emergency medical treatment taken for the petitioner.

For Petitioner : Mr.T.Selvakumaran

For RR1 to 4 : Mr.A.K.Manikkam,  
Special Government Pleader

For R5 : Mr.A.Shajahan,



**O R D E R**

The order of rejection, rejecting the medical reimbursement claim of the petitioner, is under challenge in the present writ petitioner.

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2.The writ petitioner is a pensioner and a member of New Health Insurance Scheme. Thus, he is eligible for medical reimbursement and the petitioner states that he underwent certain medical treatment on emergency situation. In respect of the medical expenditure, he submitted an application for reimbursement and the said application was rejected by the District Level Empowered Committee. The reason for rejection is that the petitioner has not established emergency circumstances for the purpose of taking treatment in a non-network hospital. Further, the treatment was provided by the hospital, which is not in the approved list. Thus, the District Level Empowered Committee has not recommended the case of the petitioner for medical reimbursement.

3.The New Health Insurance Scheme of the year 2018 provides redressal mechanism in respect of the orders of rejection passed by the District Level Empowered Committee. The petitioner has to establish emergency circumstances warranted immediate treatment in a non-network hospital. Only if such emergency circumstance is established, then alone medical reimbursement claim may be considered.

4.In the present case, the emergency circumstance placed before the District Level Empowered Committee was not accepted. Therefore, the petitioner has to approach the State Level Empowered Committee for redressal of his grievances. Contrarily, High Court cannot decide the dispute, as it involves opinion of the medical experts and scrutinisation of the other evidences produced by the petitioner. Therefore, the petitioner is at liberty to approach the State Level Empowered Committee and in the event of any such approach, the appeal may be decided as expeditiously as possible.

5.With the above liberty, this Writ Petitions stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

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

2.The District Collector,  
Nagercoil, Kanyakumari District.

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

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

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-13396[F] dated 22/03/2022)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-13581[F] dated 22/03/2022)

+1 CC to M/s.SPL GP ( SR-13879[F] dated 23/03/2022 )

W.P. (MD) No.14862 of 2020  
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ABR

MS/30.03.2022/3P.8C