



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15838 of 2019

V.Ponnumani

... Petitioner

Vs.

1. The Secretary to Government,
Secretariat,
Fort St. George,
Chennai.
2. The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai-600 015.
3. The United India Insurance Co., Ltd.,
Rep by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A., Rathana Towers,
No.212, Anna Salai,
Chennai-6.
4. The District Level Scrutiny Committee,
Rep by Collector,
At Nagercoil,
Kanyakumari District.
5. The Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanyakumari District.
6. The Joint Director of Medical
and Rural Health Service,
at Nagercoil,
Kanyakumari District.

... Respondents



PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse a sum of Rs.2,61,188/- being the amount spent by the petitioner for the treatment underwent by him by considering the application of the petitioner dated 07.06.2019 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1, R2& R4 to R6 : Mr.A.K.Manikkam
Special Government Pleader
For R3 : Mr.A.Shajakhan

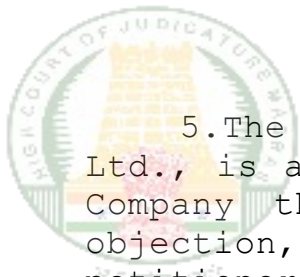
ORDER

This writ petition is filed seeking a direction to direct the respondents to settle the medical reimbursement claim of the writ petitioner.

2.The petitioner is a member of the New Health Insurance Scheme. The petitioner suffered certain ailments and underwent treatment. Accordingly, he filed an application seeking medical reimbursement.

3.The counter affidavit filed by the fifth respondent, Treasury Officer, Nagercoil, reveals that the petitioner appeared before the District Level Empowered Committee along with all relevant documents and produced all the medical bills. After a detailed enquiry, the District Level Empowered Committee has rejected the request of the petitioner under New Health Insurance Scheme 2018. When the District Level Empowered Committee has rejected the claim of the writ petitioner, the petitioner either to apply under the Tamil Nadu Medical Attendance Rules or to prefer an appeal before the State Level Empowered Committee questioning the validity of the decision by the District Level Empowered Committee.

4.The learned counsel for the petitioner made a submission that the District Level Empowered Committee rejected the claim mainly on the ground the petitioner had taken treatment in non network hospital. It is made clear that alone cannot be the reason for the purpose of rejection on medical reimbursement claim. The constitutional Courts have reiterated held that the emergency circumstances under which a member has taken treatment is to be considered for the purpose of deciding the issue. Mere treatment in a non network hospital along cannot be a ground for rejection of the claim of the writ petitioner.



5.The representative of the United India Insurance Company Ltd., is also a member of the Committee. Therefore, the Insurance Company through their representative is entitled to raise an objection, if any in respect of the claim petition filed by the petitioner.

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6.In view of the fact that the respondents have stated in the counter affidavit that the claim of the writ petitioner was rejected only on the ground of non network hospital, this Court is of the opinion that the case is to be remanded back, instead of sending the petitioner to State Level Empowered Committee, mainly considering the fact that the petitioner is aged about 80 years. In respect of the other grounds, this Court has passed several orders directing the aggrieved persons approached the State Level Empowered Committee. In the present writ petition, the case of the writ petitioner was rejected only on the ground that he has taken treatment in a non network hospital and therefore, it is a fit case for remanding the matter back for reconsideration before the District level Empowered Committee. Contrarily, if the petitioner is appeared before the State Level Empowered Committee, which may result in hardship to the petitioner considering his age, thus, the case is remanded back to the fourth respondent/ District Level Empowered Committee, to reconsider the issue and take an appropriate decision on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7.With these directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
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Fort St. George,
Chennai.



2. The Director of Treasuries and Accounts,
Panagal Buildings,
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3. The District Level Scrutiny Committee,
Rep by Collector,
At Nagercoil,
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4. The Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanyakumari District.

5. The Joint Director of Medical
and Rural Health Service,
at Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-21466[F] dated 26/04/2022)

+1 CC to M/s.A. SHAJAHAN, Advocate
(SR-20392[F] dated 22/04/2022)

+1 CC to M/s.S.C. HEROLD SINGH, Advocate
(SR-20766[F] dated 25/04/2022)

W.P. (MD) No.15838 of 2019
22.04.2022

SP/06/05/2022/4P/9C