



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22110 of 2021

S.Ponraj

... Petitioner

-VS-

1.The Chief Secretary / Commissioner,
The Commissioner of Treasuries and Accounts,
Integrated Complex For Finance Department,
(Amma Valaham),
3rd Floor, Veterinary Hospital Campus,
571, Anna Salai, Nanthanam, Chennai.

2.The Additional Chief Secretary to Government,
(High Level Empowered Committee),
Finance Department,
Tamil Nadu Government Secretariate,
St. George Fort, Chennai-600 009.

3.The District Collector,
O/o. The District Collector,
Theni District, Theni.

4.The District Treasury Officer,
O/o. The District Treasury Officer,
Theni District, Theni.

... 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 of the impugned proceedings Na.Na.No.9790/2020/B1 dated 27.03.2020 passed by the 4th respondent and quash the same as illegal and direct the respondents to sanction the Medi-Claim expenses incurred by the petitioner for the treatment.

For Petitioner : Mr.MA.M.Raja

For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader



O R D E R

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

2.The petitioner is a retired Forest Ranger and a member of New Medi-Claim Policy, 2014. He is eligible for medical reimbursement under the said Policy. The wife of the petitioner suddenly fell down and was admitted in a non-network hospital and subsequently, died after five days.

3.The learned counsel for the petitioner states that on account of emergency, the wife of the petitioner was admitted in a non-network hospital and underwent treatment. Therefore, the petitioner is eligible for medical reimbursement claim.

4.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the District Level Empowered Committee scrutinised the medical records and formed an opinion that emergency care has not been covered during the period of Policy in which the wife of the writ petitioner took treatment. The said findings of the District Level Empowered Committee were confirmed by the State Level Empowered Committee also. Thus, the petitioner is not entitled for medical reimbursement claim.

5.This Court is of the considered opinion that the power of judicial review cannot be extended for the purpose of adjudication of the opinions of the medical experts. Both the District Level Empowered Committee and the State Level Empowered Committee consist of qualified Doctors, who all are offering opinion in respect of the emergency care taken and coverage of such emergency care under the Policy of the particular year. When a finding was arrived by the District Level Empowered Committee that the petitioner has provided treatment to his wife in a non-network hospital and such a treatment for emergency care has not been covered during the period of Policy, then the decision cannot be interfered with by the High Court. The expert's opinion cannot be interfered with unless there is a concrete evidence to establish that such evidence is perverse.

6.In the present case, the petitioner has produced all the medical records which were scrutinised both by the District Level Empowered Committee and State Level Empowered Committee and a consistent opinion was formed that the treatment for emergency care was not covered during the period of Policy and further the treatment was provided in a non-network hospital and thus, this Court is of the opinion that there is no ground for the purpose of interfering with the order impugned and the writ petition is liable to be dismissed.



WEB COPY

W.P.(MD) No.22110 of 2021

7. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Chief Secretary / Commissioner,
The Commissioner of Treasuries and Accounts,
Integrated Complex For Finance Department,
(Amma Valaham),
3rd Floor, Veterinary Hospital Campus,
571, Anna Salai, Nanthanam, Chennai.

2.The Additional Chief Secretary to Government,
(High Level Empowered Committee),
Finance Department,
Tamil Nadu Government Secretariate,
St. George Fort, Chennai-600 009.

3.The District Collector,
O/o. The District Collector,
Theni District, Theni.

4.The District Treasury Officer,
O/o. The District Treasury Officer,
Theni District, Theni.

+1 CC to M/s.SPL GP (SR-13507[F] dated 22/03/2022)

W.P.(MD) No.22110 of 2021
21.03.2022

MK/28.03.2022/3P/6C