



W.P.(MD)No.5581 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.5581 of 2017

V.Pandiarajan

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Ramanathapuram District.

2.The Treasury Officer,
Hozur Treasury,
Ramanathapuram District.

3.The Joint Director of Welfare(General),
O/o.the Joint Director of Welfare (General),
Ramanathapuram 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 pertaining to the impugned order in Na.Ka.No.907C/Pa2/2016, dated 24.01.2017 passed by the third respondent and quash the same as illegal and consequently, direct the respondents to reimburse the medical expenses of the petitioner for a sum of Rs.44,513/- with interest.



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For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the impugned order in Na.Ka.No.907C/Pa2/2016, dated 24.01.2017 passed by the third respondent and quash the same as illegal and consequently, direct the respondents to reimburse the medical expenses of the petitioner for a sum of Rs.44,513/- (Rupees Forty Four Thousand Five Hundred and Thirteen only) with interest.

2. The learned counsel for the petitioner submitted that the petitioner suffered severe stomach pain on 20.10.2016 and he was hospitalized in Arun Hospital at Coimbatore as an inpatient and accordingly, a surgery was performed and he was on medical leave till 02.11.2016. The petitioner paid the medical expenditure of Rs.44,513/- (Rupees Forty Four Thousand Five Hundred and Thirteen only). The petitioner made a claim for reimbursement of medical expenses through the learned Sub Judge, Paramakudi. His claim was rejected on the ground that the hospital is a non-



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network hospital. He would further submit that the communication sent by the Joint Director to the Sub Court, Paramakudi, does not contain the reason for rejection of the District Level Empowered Committee. The petitioner is entitled for medical expenditure. In this regard, he also produced the order passed in *W.P(MD).No.101 of 2020 dated 28.02.2020*.

3. In response, the learned Special Government Pleader appearing for the respondents submitted that the petitioner has to approach the State Level Empowered Committee, since his claim was rejected by the District Level Empowered Committee. The petitioner had taken treatment in the hospital, which was not covered under the scheme. Therefore, the claim was rejected by the District Level Empowered Committee.

4. I have considered the rival submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.



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5. A similar case came up before this Court in ***M.Nallakannu v. The Director of Treasuries and Account, Panagal Building, Saidapet, Chennai – 15 and others in W.P(MD)No.101 of 2020 dated 28.02.2020*** and this Court, in paragraphs 5 and 6 has observed as follows:

*“5. A Division Bench of this Court in the case of **Star Health and Allied Insurance Company Ltd., V.A.Chokkar and another reported in 2010 (2) LW 90** had held that whenever a claimant is unable to take treatment in Network Hospitals or the medical procedure conducted on him is not covered by the scheme, the District Level Empowered Committee constituted under the Tamil Nadu Medical Attendance Rules should consider the claim for reimbursement. Following the decision of the Hon'ble Division Bench in Star Health Insurance's Case, a batch of Writ Petitions have been entertained by this Court and by rejecting the claim of the Insurance Company/Government, had held that the reimbursement cannot be rejected on the ground of Non Network hospital/Non listed ailment or procedure. In view of this legal position, it would be appropriate to grant liberty to the petitioner to approach the District Level Empowered Committee seeking for reimbursement.*



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6. In the light of the above observations, the petitioner is at liberty to make an appropriate application before the District Level Empowered Committee for reimbursement of his medical expenditure, enclosing all the required medical bills/receipt. On receipt of the same, the District Level Empowered Committee shall consider the same and reimburse the petitioner, for such an amount to which the petitioner may be entitled to, on the basis of the bills/receipts submitted by him. It is made clear that the District Level Empowered Committee shall not reject the petitioner's request for reimbursement on the ground that the treatment taken by him was from a Non Network hospital or that the medical ailment/procedure is not covered under the scheme. The District Level Empowered Committee shall endeavor to disburse the reimbursement to the petitioner, atleast within a period of 12 weeks from the date of receipt of a copy of this order. "

6. From the narration of the above facts, it is not in dispute that the petitioner is a Government servant working in Sub Court, Paramakudi, and at the relevant point of time, he visited Coimbatore and he suffered



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stomach pain and he was treated surgically. Thereafter, he claimed medical expenditure and it was rejected for the reason that the petitioner has taken treatment in the non-network hospitals and Diseases Rejected list, meaning thereby, Arun Hospital, wherein, the petitioner took treatment, was not covered under the scheme that is non network hospital. This claim was rejected by the District Level Empowered Committee. However, the rejection was not communicated to the petitioner. As already extracted, this Court had specifically issued a direction to the District Level Empowered Committee shall not reject the claimant's request for reimbursement on the ground that the treatment taken by him was from a Non Network hospital or that the medical ailment/procedure is not covered under the scheme.

7. In view of the specific direction issued by this Court in W.P.(MD).No.101 of 2020, this Court is inclined to follow the order and issue a direction to the District Level Empowered Committee to consider the claim of the petitioner for reimbursement in the light of the observation made in W.P.(MD).No.101 of 2020 dated 28.02.2020 and pass appropriate orders within a period of three months from the date of receipt of copy of



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this order. Accordingly, the impugned order, dated 24.01.2017, passed by the third respondent in Na.Ka.No.907C/Pa2/2016 is quashed.

With the above directions, this Writ Petition is allowed. No Costs.

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Index : Yes / No

Speaking Order : Yes / No

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To

- 1.The District Collector,
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Ramanathapuram District.
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Hozur Treasury,
Ramanathapuram District.
- 3.The Joint Director of Welfare(General),
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G.CHANDRASEKHARAN, J.

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