



W.P.(MD) No.21571 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.21571 of 2017

L.Jeyaraman

... Petitioner

/vs./

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Joint Director,
Medical and Rural Health Services Department,
Madurai District Headquarters,
Usilampatti,
Madurai District.
- 3.MD India Healthcare Services (IPA) Private Limited,
represented by the Branch Manager,
No.27, Lakshmi Towers,
3rd Floor, Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 4.The District Treasury Officer,
Treasury and Accounts,
Madurai,
Madurai District.



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5.The Secretary to Government,
Government of Tamil Nadu,
Finance (Pension) Department,
Secretariat,
Chennai 600 009.

(R5 has been impleaded vide
order dated 23.01.2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the Respondents in their proceedings in Na.Ka.No. 21/2017/M1 dated 15.02.2017 and quash the same and consequently directing the Respondents herein to reimburse the Medical expenses incurred by the Petitioner herein within a time stipulated by this Court.

For Petitioner : Mr.V.Meenaksi Sundaram

For R1, R4 & R5 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R2 : No appearance

ORDER

The instant writ petition has been filed challenging the order passed by the fourth respondent dated 15.02.2017 made in Na.Ka.No.21/2017/M1 refusing to reimburse the medical expenses on the ground that the hospital, in which the petitioner's wife had taken treatment, is a non-listed hospital.



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2. Pending the writ petition, the petitioner's wife died. It was also brought to my notice that in a similar circumstances, this Court in a batch of writ petitions in W.P.(MD) No.13429 of 2013 etc., batch by order dated 28.05.2019, had directed that the issue may be placed before the District Level Empowered Committee. For better appreciation, the relevant paragraph of the said order is extracted hereunder:-

“80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.

(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.



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(iv) *The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.*

(v) *If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.*

(vi) *Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.*

(vii) *On receipt of such orders / recommendation from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.*

(viii) *While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by*



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calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee.

With these directions, all these writ petitions are ordered to the terms indicated above. Consequently, connected miscellaneous petitions are closed. However there shall be no order of costs.”

3.I am also of the view that the said directions issued in those batch of writ petitions will also be applicable to this writ petition.

4.In view of the same, the impugned order in this writ petition is quashed. The petitioner is at liberty to approach the District Level Empowered Committee concerned within a period of two weeks from the date of receipt of a copy of this order and the District Level Empowered Committee shall pass appropriate orders after giving an opportunity of hearing to the petitioner on merits and in accordance with law, within a period of twelve weeks thereafter. The District



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Level Empowered Committee shall also take into consideration the various directions issued by this Court in W.P.(MD) No.13429 of 2013 etc., batch dated 28.05.2019 while passing orders.

5.With the above directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Speaking : Yes / No
Non Speaking : Yes / No
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12.12.2022

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Treasury Officer,
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K.KUMARESH BABU, J.

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