



W.P(MD)No.5433 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5433 of 2023
and
W.M.P(MD)No.5086 of 2023

V.Devadasan Rathinasamy

... Petitioner

Vs

- 1.The State represented by
The Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai.
- 2.The Additional Director of Medical and
Rural Health Services,
O/o. Additional Director of Medical and
Rural Health Services,
Chennai – 6.
- 3.The District Collector,
Thirunelveli District,
Thirunelveli.
- 4.The Additional Treasury Officer,
Department of Treasury and Accounts,
District Treasury,
Thirunelveli,
Thirunelveli District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders in NA.KA.No.9127/N1/2019 dated 16.08.2019 on the file of the fourth respondent and quash the same as illegal and consequently direct the respondents to disburse the sum of Rs.49,625/- together with further interest under Medical Reimbursement Scheme. Subsequently direct the respondents to disburse the expenses for the surgery undergone by the petitioner for the sum of Rs.98,385/- and for the treatment of petitioner's wife for the sum of Rs.1,21,038/- by considering the representations of the petitioner dated 31.12.2022 and 20.01.2023 together with further interest under Medical Reimbursement Scheme within the time stipulated by this Court.

For Petitioner : Mr.S.Lenin Prabu

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a retired School Headmaster. His wife was having serious lung related issues. She took treatment twice. She eventually passed away. The petitioner incurred a sum of Rs.49,625/- and Rs.1,21,038/-. The petitioner also underwent surgery and incurred a sum of Rs.98,385/-. As



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regards, the claim for reimbursement for Rs.49,625/-, the fourth respondent negatived the claim by passing the order dated 16.08.2019. The other two claims are pending consideration.

3. Factual issues are involved. The question that has to be gone into is whether taking treatment in a non-network hospital can be condoned and whether the petitioner had undertaken emergency care. In respect of the rejected claim, the petitioner can file an appeal before the State Level Empowered Committee. If such an appeal is filed within a period of three weeks from the date of receipt of a copy of this order, the State Level Empowered Committee will process the same and pass order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. This direction is to be complied with eventhough the State Level Empowered Committee is not a party in this writ petition.

4. As regards the other two claims, they are said to be pending on the file of the fourth respondent. The fourth respondent shall place the papers of the petitioner before the District Level Empowered Committee which shall dispose the same on merits and in accordance with law within a period of eight weeks thereafter.



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5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The Secretary,
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Fort St.George,
Chennai.
- 2.The Additional Director of Medical and
Rural Health Services,
O/o. Additional Director of Medical and
Rural Health Services,
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G.R.SWAMINATHAN, J.

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