



W.P.(MD).No.16709 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.16709 of 2022

and

W.M.P(MD)No.12116 of 2022

S.Mariya Minnal Kodi

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
The Treasury and Accounts Department,
Jones Road, Anna Nagar Street, Saidapet,
Chennai-600 015.

2.The District Collector,
Theni District,
Theni.

3.The District Treasury Officer,
Theni District,
Theni.

4.The Assistant Manager,
United India Insurance,
5th Floor 212, Rathna Tower,
Anna Salai,
Chennai-06.



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5. United India Insurance,
Represented by its Co-ordinator,
Door No.443, Kambam Road,
Periyakulam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order in Na.Ka.No.7063/2015/E5, dated 08.08.2019 passed by the second respondent and quash the same and further direct the respondents to disburse the sum of Rs.1,13,500/- with interest of 12% per annum towards the medical reimbursement to the petitioner.

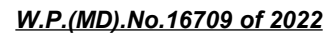
For Petitioner : Mr.A.Joseph Jerry

For R-1 to R-3 : Mr.J.Ashok
Additional Government Pleader

For R-4 & R-5 : Mr.A.Shajahan

ORDER

The present writ petition has been filed challenging the order passed by the second respondent herein, wherein the request of the writ petitioner for medical reimbursement has been returned.



4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 had contended that the order passed by the District Level Empowered Committee is an order appealable to the State Level Empowered



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Committee and therefore, the writ petition is not maintainable and the petitioner may be directed to approach the State Level Empowered Committee.

5. I have perused the order impugned in the writ petition. In the reference column, three Government orders issued by the Finance Department have been mentioned. In the impugned order, after referring to these three Government orders, it simply says that the claim of the writ petitioner does not fall within the scope of these Government orders. It is not specifically mentioned in the impugned order, which Government order is not applicable to the writ petitioner. That apart, each one of the Government orders enumerate various conditions for reimbursing the medical expenses. Unless the conditions are pointed out, the scope of the said Government order cannot be agitated before the Appellate Authority. Therefore, the impugned order is set aside. The matter is remitted back to the file of the second respondent herein for passing orders giving specific details about the scope of each one of the Government orders, which are applicable to the case of the writ petitioner and pass a detailed order within a period of twelve (12) weeks from the date of receipt of a copy of this order. On such order being passed and if the petitioner is not satisfied with the said order, she is at liberty to approach the State Level Empowered Committee.



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6. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

17.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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Chennai-600 015.
- 2.The District Collector,
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Theni.
- 3.The District Treasury Officer,
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- 4.The Assistant Manager,
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5. The Co-ordinator,
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R.VIJAYAKUMAR, J.

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