



W.P.(MD).No.16802 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16802 of 2023

V.Kalaiselvi

... Petitioner

Vs.

1.The Director of Medical and Rural Health Service /
State Level Empowered Committee,
Chennai-6.

2.The Joint Director of Medical and Rural Health
Services / District Level Empowered Committee,
Thoothukudi.

3.The District Level Empowered Committee,
Through the District Collector,
Thoothukudi District,
Thoothukudi.

4.The Manager,
United India Insurance Limited,
Thoothukudi.

5.TANGEDCO,
Thiruchendur,
Thiruchendur District.

... Respondents

*(R5 is suo motu impleaded vide Court order, dated
13.07.2023 in W.P(MD)No.16802 of 2023)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 07.02.2022 and further direct the first respondent to reimburse the medical bills which raised in treatment given to the petitioner between 23.10.2014 to 19.11.2014.

For Petitioner : Mr.V.Rajiv Rufus

For R-1 to R-3 : Mr.M.Prakash
Additional Government Pleader

For R-4 : Mr.A.Shajakhan

For R-5 : M/s.Parameswarai

ORDER

The present writ petition has been filed seeking direction to the first respondent to consider the petitioner's representation, dated 07.02.2022 and further direct the first respondent to reimburse the medical bills which raised in treatment given to the petitioner between 23.10.2014 to 19.11.2014.

2. Heard the learned Counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3, learned Counsel for the fourth respondent and the learned Counsel for the fifth respondent and carefully perused the materials available on record.



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3. The petitioner is working as Assistant in the Revenue Branch, Office of D.E. TANGEDCO, Tiruchendur, Thoothukudi District. When she was on duty, she met with Cardiac arrest and was admitted in PRS Hospital, Trivandram. She was diagnosed to be in a critical condition and was recommended for heart valve replacement to be done immediately and the said operation was done in the same Hospital. The petitioner applied to the fourth respondent claiming reimbursement of her medical bills as she is covered under the Medical Claim Policy of the State. In the meanwhile, the petitioner got voluntary retirement on 01.11.2017. While so, the second and third respondents returned the petitioner's application for medical reimbursement directing her to produce original documents along with medical bills and discharge summary. Hence, the petitioner made a representation on 07.02.2022 to the first respondent seeking to reimburse the medical bills for the treatment taken by the petitioner between the period from 23.10.2014 to 19.11.2014. The same was not considered. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. The learned Additional Advocate General for the respondents 1 to 3 has filed a counter and he submitted that the petitioner has not yet submitted any claim petition along with required documents to the second respondent, that is, the Joint Director of Medical and Rural Health Service, Thoothukudi for the past two years and if any such application is submitted, that will be considered in accordance with G.O(Ms)No.243 of the Finance (Salaries) Department, dated 29.06.2012.

6. The learned Counsel for the fourth respondent submitted that the third respondent should be directed to give sufficient opportunity to the fourth respondent Insurance Company before passing any orders on the application of the petitioner.



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7. This Court hereby directs the petitioner to re-submit her application seeking medical reimbursement along with all original bills and discharge summary before the third respondent and the third respondent is in-turn directed to pass orders on the same after giving sufficient opportunity to the fourth respondent in accordance with the scheme within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner may also be permitted to get the copy of the documents from the concerned PRS Hospital at Trivandram in case of necessity, if required.

8. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

08.08.2023

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



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- To
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 - 3.The District Level Empowered Committee,
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L.VICTORIA GOWRI, J.

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