



W.P(MD)No.9363 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9363 of 2014

Kalyana Sundaram

... Petitioner

Vs.

1.The Superintendent of Police,
Central Prison, Madurai.

2.The Joint Director of Health Services,
Head Quarters, Usilampatti,
Madurai District.

3.The Divisional Manager,
United India Insurance Company Ltd.,
5th Floor, No.212, Anna Salai,
Chennai – 600 006.

... 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 records of the 3rd Respondent order in dated 09.04.2014 and quash the same and directing the 3rd Respondent to reimburse the medical expanses amount of Rs.40,621/- to the petitioner under the Tamil Nadu



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Government New Health Insurance Scheme 2012 for petitioner's wife surgery of Ruptured (L) Ectopic Pregnancy- Emergency Laparoscopic Left Tubectomy done at M/s.Nithila Nursing Home, Palanganatham, Madurai with in the period that may be stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.
Mr.A.Shajahan for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed Chief Head Warden, Central Prison, Madurai during the relevant time. His wife was admitted at Nithila Nursing Home on 10.12.2013 and underwent an emergency surgery. The petitioner seeks reimbursement of the expenditure incurred by him. The request was rejected by the third respondent on the following two grounds:-



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“(a) The treatment was taken in a non-network hospital.

(b) The procedure was outside the terms of the scheme.”

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Challenging the said communication, the present writ petition came to be filed.

3.The learned standing counsel for the Insurance Company submitted that the petitioner's request was already rejected and the impugned order is second rejection.

4.I do not want to go into the rival contentions as regards the petitioner's eligibility. The petitioner can very well approach the District Level Empowered Committee. If the petitioner lodges claim before the District Level Empowered Committee within a period of three weeks from the date of receipt of a copy of this order, it will be considered without reference to limitation. The Insurance Company is also represented in the District Level Empowered Committee. If the District Level Empowered Committee does not mandate the third respondent to honour the petitioner's claim, it will to be considered as per the Tamil Nadu Medical Attendance Rules. In any event, the petitioner has to be



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paid the eligible amount. The Registry is directed to mark a copy of this order to the District Collector in his capacity as a Chairman of the District Level Empowered Committee.

5.Granted liberty to the petitioner to move the District Level Empowered Committee and directing the District Level Empowered Committee to dispose of the petitioner's application within a period of six weeks thereafter, the writ petition is dismissed. No costs.

07.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Superintendent of Police,
Central Prison, Madurai.
- 2.The Joint Director of Health Services,
Head Quarters, Usilampatti,
Madurai District.

Copy to:-

The District Collector Cum the Chairman
of District Level Empowered Committee,
Madurai District, Madurai.

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G.R.SWAMINATHAN, J.

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