



W.P(MD)No.9080 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9080 of 2015

S.Sanjith

... Petitioner

Vs

1.The Director,
Employees State Insurance Corporation,
Sub – Regional Office,
E.S.I. Hospital Campus,
Vannarpet, Tirunelveli District.

2.The Medical Officer,
E.S.I Hospital,
Thuckalay Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to register the name of the petitioner's mother Mrs.D.Stella as per the orders of the first respondent made in Ref. No. 66/U/51/MEDL/2014/NGL/SRO/TLI/ dated 26.03.2015 and consequently direct the respondents to reimburse the medical bills on his submission.



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For Petitioner : Mr.F.Deepak
For Respondents : Mr.R.Ganapathysamy
Standing Counsel for R.1

No Appearance for R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Corporation.

2. The writ petitioner is employed as system analyst in Noorul Islam University, Kumarakovil, Kanyakumari District. He got himself enrolled as an insured person under ESI scheme. The petitioner's mother was diagnosed as suffering from cancer in the year 2015. According to the petitioner, emergent medical intervention was required. The petitioner's mother Mrs.D.Stella took treatment in a private hospital at Coimbatore where she was residing with the petitioner's sister. A substantial sum was incurred towards medical expenditure. The petitioner applied to the respondents for reimbursement of the eligible amount. The petitioner's application was not considered. That led to the filing of this writ petition.



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3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Standing Counsel took me through its contents. The stand of the respondents is that it is not enough if a person registered himself as an insured person with the ESI Corporation. In the application form itself the petitioner must mention the ESI dispensary which he proposes to approach for treatment and for availing other facilities. The petitioner is working at Kanyakumari and the ESI dispensary at Thuckalay is the jurisdictional dispensary. The Medical Officer of ESI Hospital at Thuckalay would be the competent authority to sanction the medical bill. In this case, for want of mentioning the ESI dispensary, the petitioner's application could not be processed.

5. The learned Standing Counsel also drew my attention to Rule 61-A of ESI (Central) Rules, 1950. During the relevant time, the following rule was in force:

“61-A. Income limit of dependant parents for eligibility to medical benefit. - The income of dependant parents for



eligibility to medical benefit under sub-clause (v) of clause (11) of section 2 of the Act from all sources should not exceed five thousand rupees in a month.”

Now the income limit has been enhanced to Rs.9,000/- (Rupees Nine Thousand only). But during the relevant time the income limit was Rs.5,000/- (Rupees Five Thousand only). The petitioner also will have to produce certificate to show that the income limit of dependant parents was within the ceiling limit.

6. The petitioner's employer is directed to submit a proper application containing all the relevant details. The petitioner can retain the insurance number that was originally allotted to him. In the event of there is being any proposal issues, the petitioner can very well approach the Manager, Branch Office, ESI Corporation, Nagercoil for relief. The records will have to be set right. The petitioner has to produce the certificate as contemplated under Rule 61-A. Upon the petitioner fulfilling the aforesaid twin formalities, the second respondent shall process the petitioner's application and whatever is due and eligible and payable to the petitioner shall be paid expeditiously thereafter.



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7. This writ petition is disposed of accordingly. There shall be no order

as to costs.

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

To

1.The Director,
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