



W.P(MD)No.9512 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.9512 of 2015

G.V.Vignesh Gopal

... Petitioner

**Vs.**

1.The State Medical Commissioner (Tamil Nadu),  
Employees' State Insurance Corporation,  
No.143, Sterling Road,  
Nungambakkam,  
Chennai.

2.The Chief Medical Officer,  
ESI Dispensary,  
Tambaram, via Chennai,  
Kanchipuram 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 records of the impugned order in R.No.99/ E/2013 dated 03.05.2013 passed by the 2nd Respondent and quash the same and consequently direct the respondents 1 and 2 to pay the medical reimbursement amount which the petitioner herein is rightly entitled for as per the 1st Respondents letter dated 11.02.2013 vide number 51/SMC/DMR/Return/2012 along with 18 % interest.

(Prayer amended vide order dated 14.09.2023 in W.M.P.(MD)No.17707 of 2023 in W.P.(MD)No.9512 of 2015)



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For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.C.Karthik for R1

: Mr.S.RA.Ramachandran  
Additional Government Pleader for R2

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### **ORDER**

Heard the learned counsel on either side.

2. The petitioner was employed in a private concern. He had registered himself with ESI corporation. The second respondent was the dispensary allotted to the petitioner. In other words, he was to take treatment in the second respondent dispensary. The petitioner was suffering from piles. The petitioner's case is that when he came down to madurai to be with his parents, he had to emergently undergo operation in a private hospital. Surgery was done on 06.11.2012 and discharged on 08.11.2012. The petitioner incurred a sum of Rs.50,210/-. He claimed disbursement. When the petitioner applied to the second respondent for disbursement, they took the stand that since the petitioner's case will not fall under emergency category, his claim could not be accepted. Challenging the said communication, the present writ petition came to be filed.

3. My attention has been drawn by the learned standing counsel for the first respondent to the relevant provision of ESI Medical Manual. It contains



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the list of types of cases for which reimbursement is permitted. Clauses 1 to 13 are not applicable. Clause 14 is as under:-

“14. In addition to above types of cases, reimbursement may also be allowed in other case depending upon the merits of each case and the circumstances under which expenditure was incurred.”

4.The learned Additional Government Pleader would submit that in such cases, the matter has to be referred to Shikatyat Adalat held on every second Tuesday of every month at DMS Office Complex, Teynampet, Chennai and that the petitioner has to necessarily pursue his remedy there. The petitioner's counsel submits that when the petitioner appeared in one such meeting, there was absolutely no such response. It is not necessary that the petitioner should physically or personally go before the Shikatyat Adalat. We are in the age of virtual connectivity. The petitioner can very well appear before the Shikatyat Adalat either in person or through virtual mode. The petitioner's case will be taken up by Shikatyat Adalat on 10.10.2023. The petitioner shall submit a fresh representation in the meanwhile enclosing all the relevant papers. In the said Shikatyat Adalat, an appropriate decision will be taken.

5. The Writ Petition is disposed of accordingly. No costs.

**19.09.2023**

Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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To

The Chief Medical Officer,  
ESI Dispensary,  
Tambaram, via Chennai,  
Kanchipuram District.

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