



W.P.No.10308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10308 of 2022

K.Sritharan

... Petitioner

Vs.

1. The Director of Medical and Rural Health Services (ESI),
Anna Salai,
Chennai – 600006.

2. The Regional Director,
Employees State Insurance Corporation,
Regional Office,
Sterling Road, Nungambakkam,
Chennai – 600034.

3. The Employees State Industries Hospital,
SIPCOT Complex,
Hosur – 635109.
Krishnagiri District.

4. The Sub-Regional Director,
Sub-Regional Office of ESI Corporation,
Salem – 636009.

... Respondents



W.P.No.10308 of 2022

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents herein to sanction and pay the medical claim amount of Rs.7,98,896/- to the petitioner after adjusting the amount of Rs.1,48,301/- (as already paid) by considering the petitioner's representation dated 20.01.2022 within a time frame, as may be fixed by this Court.

For Petitioner : Mr. R.Kamaraj

For Respondents : Mr. E.Sundaram,
Government Advocate (for R1 & R3)

Mr. SP. Srinivasan (for R2 & R4)

ORDER

This Writ Petition has been filed for directing the first and second respondents herein to sanction and pay the entire medical claim amount of Rs. 8,24,966/-, after deducting the amount already sanctioned to the tune of Rs. 1,48,306/-.

2. Heard Mr. R.Kamaraj, learned counsel for the petitioner,



W.P.No.10308 of 2022

Mr.E.Sundaram, learned Government Advocate appearing for the first and third respondents and Mr. SP. Srinivasan, learned counsel for the second and fourth respondents and perused the materials available on record.

3. The learned counsel for the respondents submitted that the petitioner, without invoking the statutory remedy, has filed this Writ Petition seeking direction, which is not maintainable.

4. According to Section 56 of the Employees' State Insurance Act, 1948 (hereinafter referred to as 'the Act' for short), the medical benefit is available to the insured person or his family members, who also come under the coverage, and can claim medical benefit. The Corporation can also enter into an agreement with the State Government regarding the nature and scale of the medical treatment that should be provided to the insured persons.

5. In the event of the medical claim made by the petitioner being



W.P.No.10308 of 2022

denied or limited, and on which the petitioner has a grievance, then the rightful remedy open to the petitioner is to prefer a dispute under Section 75(e) of the Act, and not by way of filing this Writ Petition. It is not known whether the petitioner has filed any statutory claim as contemplated under the Act. The petitioner cannot file this Writ Petition without exhausting the statutory remedies, and hence, this petition is not maintainable as it is a premature one.

6. With the above directions, this Writ Petition is disposed of. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To



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W.P.No.10308 of 2022

R.N.MANJULA, J.

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