



W.P.(MD).No.150 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.150 of 2024
and
W.M.P(MD)No.169 of 2024

M.Azeez

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Finance (Pension) Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Treasuries & Accounts,
Anna Complex,
Nandanam,
Chennai-35.
- 3.The Assistant Treasury Officer,
Sub-Treasury Office,
Periyakulam,
Theni District-625 602.
- 4.The Divisional manager,
United India Insurance Company Ltd.,
5th Floor, PLA Rathna Tower,
Raji Buildings,
212, Anna Salai,
Chennai-600 006.



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5.The MD India Health Insurance TPA Private Ltd.,
Guna Complex, New Door No.443 & 445,
Old Door No.304 & 305,
Anna Salai, Teynampet,
Chennai-600 018.

6.The Medical Director,
Vadamalayan Hospital,
B-Block, 9A, Vallabai Road,
Chokkikulam,
Madurai-625 002.

7.The District Level Empowered Committee,
Headed by the District Collector,
Madurai 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 records pertaining to the impugned order of Ref.No.010600/MP-4/10/2023, dated 20.07.023 passed by the 4th respondent and quash the same and consequently direct the respondents 1 to 5 and 7 to disburse the entire medical expenses, which was spent by the petitioner for his wife Banu's Medical treatment of her disease of Abnormal Uterin Bleeding - Adenomyosis with Right Ovariancyst under the New Health Insurance Scheme, 2018 for Pensioners (including spouse) / family pensioner's scheme.

For Petitioner : Mr.R.Murugappan

For R1 – R3, R7 : Mr.S.Shaji Bino
Special Government Pleader



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For R4 & R5 : Mr.I.Robert Chandrakumar

ORDER

The present writ petition has been filed to call for records pertaining to the impugned order of Ref.No.010600/MP-4/10/2023, dated 20.07.023 passed by the 4th respondent and quash the same and consequently direct the respondents 1 to 5 and 7 to disburse the entire medical expenses, which was spent by the petitioner for his wife Banu's Medical treatment of her disease of Abnormal Uterin Bleeding - Adenomyosis with Right Ovariancyst under the New Health Insurance Scheme, 2018 for Pensioners (including spouse) / family pensioner's scheme.

2. Considering the nature of the leave to be granted, the issuance of notice to the 6th respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner worked as a Chief Pharmacist in Government Head Quarters Hospital, Periyakulam, Theni District. He and his wife are the members of the New Health Insurance Scheme, 2018 for Pensioners. The



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petitioner's wife suffered from Abnormal Uterine Bleeding-Adenomyosis with Right Ovarian cyst disease, for which she was admitted on 29.12.2021 in the 6th respondent hospital and surgery was also conducted on 29.12.2021. For which, a medical expenditure of Rs.1,70,000/- (Rupees One Lakh and Seventy Thousand only) was incurred by the petitioner. However, the 5th respondent disbursed only Rs.60,000/- (Rupees Sixty Thousand only) and refused to disburse the remaining amount of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only). The petitioner has made a representation to the respondents 1 to 5 on 03.01.2022 seeking payment of the remaining amount of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only). However, the same is pending before the 7th respondent. In view of the same, this writ petition came to be filed.

4. The learned counsel for the 5th respondent submitted that the 5th respondent has already reimbursed the amount as per the norms. However, any further claim which has been raised by the petitioner should be decided only by the 7th respondent.

5. The learned Special Government Pleader appearing for the 7th respondent submitted that the 5th respondent would have disbursed the amount



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only on the recommendation of the 7th respondent and hence, there is no probability for any representation to remain pending with the 7th respondent and hence, the question of considering representation will not arise.

6. In view of the above, this Court is inclined to direct the 7th respondent to verify with the records whether any representation is pending before them and in case of pendency of any representation made by the petitioner, dated 03.01.2022, he is directed to pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.01.2024

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

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To

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L.VICTORIA GOWRI, J.

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