



WP(MD). No.1573 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.1573 of 2024

Thangaraj.S,

... Petitioner

Vs

1. The Director,
Medical and Rural Health Services,
Dms Building,
Thenampettai,
Chennai - 600 006..

2. The Principal Secretary / Commissioner,
Treasury and Accounts Department,
Combined Financial Complex,
Nanthanam,
Anna Salai,
Chennai - 600 035..

3. The District Collector,
Virudhunagar District,
Virudhunagar..

4. The Joint Director,
Medical and Rural Health Services,
Virudhunagar,
Virudhunagar District..



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5. The Assistant Treasury Officer,
Aruppukottai, Virudhunagar District..

6. The United India Insurance Company Limited,
Divisional Officer VI,
Pla Rathna Towers,
5th Floor,
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, calling for records relating to the impugned order passed by the 1st respondent in his proceedings O.Mu. No.00067/Kapi 1/1/2022 dated 20.12.2022 and quash the same as illegal consequently directing the respondents to pay the amount of Rs.1,67,167/- to the petitioner under new health insurance scheme for the medical expenses incurred towards this treatment for Acute Respiratory Distress Syndrome (ARDS) along with interest by considering the petitioner representation dated 13.03.2023.

For Petitioner : Mr.R.Rajesh,

For Respondents : Mr.M.Ramesh for R1 to R5
Government Advocate
Mr.A.Shahjahan for R6

ORDER

The petitioner is a retired employee of the State and a beneficiary under the NHIS. During March 2021, he was affected with wheezing



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and breathing trouble and hence, he was admitted in Sagar Hospital, Bangalore and took treatment by incurring a sum of Rs.1,67,167/-, for which, he made a claim before the respondents for medical reimbursement. However, the same was rejected by the District Level Empowered Committee stating that the treatment was taken in a non networking hospital and the line of treatment is not an emergent one.

2. Therefore, the petitioner preferred an appeal to the 2nd respondent and he has also given a representation to the third respondent on 26.06.2022. Upon receipt of the representation of the petitioner, it is stated by the third respondent that the claim was forwarded to the 4th respondent. In the meantime, the second respondent has stated that the claim of the petitioner would be considered by the first respondent. However the first respondent rejected the claim of the petitioner vide the present impugned proceedings dated 20.12.2022. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents



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4. The petitioner had undergone treatment for his breathing problem at Sagar Hospital, Bangalore. The claim of the petitioner has been rejected by an officer of the State Level Empowered Committee. Aggrieved over that, the petitioner preferred the present writ petition.

5. National Health Insurance Scheme 2018 prescribes a clear procedure in which the reimbursement claims have to be dealt with. The petitioner is also entitled to make an appeal before the District Level Empowered Committee, if his claim is rejected at the first level. When an appeal is filed before the District Level Empowered Committee, it goes without saying that the next level consideration has to be made by the Committee and not the individual member, who heads the committee. However, in several matters, even without the recommendation of the District Level Empowered Committee as a whole, the head of the District Level Empowered Committee passed an order for recommendation and sometimes even the head of the State Level Committee passes an order by considering the petition received from the petitioner as an appeal filed before him.



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6. Every authority, without ascertaining whether the matter has been dealt with through proper channel and passes order. As per the hierarchy of the arrangement made in the claim and such orders passed would only cause confusion. In the instant case also, the State Level Officer has considered the petition of the petitioner as an appeal before the State Level authority and has passed an order of rejecting the claim of the petitioner.

7. Nowhere in the impugned order, it is stated whether the claim of the petitioner has been rejected at the District Level and if so, for what reason and how the petition preferred through the State level Committee is considered as an appeal before the State Level High Power Committee.

8. If the petitioner's application is sent to the authorities, without knowing the design of the scheme, then the authorities ought to have forwarded the same to the concerned authorities, who are in the hierarchy or return the papers to the petitioner himself stating that he has to invoke the remedy by preferring a first level petition/appeal before the concerned authority/committee. Without resorting to such a course, it is



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seen that so many authorities indulge in passing orders.

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9. Since the impugned order has been passed by the State Level Committee, on the petition filed by the petitioner and the first level officer is yet to pass any orders, the impugned order is set aside and the matter is remitted back to the 4th respondent and the 4th respondent is directed to redo the papers through proper channel and in accordance with the arrangements of the scheme and do the needful to pass orders at each level, when it deems to be fit.

10. In view of the same, the writ petition is disposed of and the matter is remitted back to the file of the 4th respondent to act in terms of the above observations and pass necessary orders or place the papers before the concerned authority/committee in the manner known under the scheme. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

07.06.2024

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