



WP(MD). No.2568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/06/2024

CORAM

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

WP(MD). No.2568 of 2024

Kandasamy.G

... Petitioner

Vs

1. The Commissioner of Treasury,
And Accounts,
3rd Floor, Perasiriyar K.Anbzhagan Maaligai,
Nandanam, Anna Salai,
Chennai 600 035.

2. The District Treasury Officer,
Madurai District,
Madurai.

3. The Divisional Manager United,
India Insurance Company, Divisional
Officer Vi,5th Floor, Pla Rathina Towers,
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 the records of the respondents more particularly the 1st respondent and quash the 1st respondents impugned order dated



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21.11.2023 passed in RC No. CTA/521/PNHIS-3/2023 pursuant to the order of the 3rd respondent vide UTR no. 22239434618 dated 03.10.2023 (which is un communicated) which is dispatched on 28.11.2023 in so far as it affects the petitioner and consequently direct the 1st respondent to disburse the medical reimbursement amount of Rs. 2,38,950 /- instead of Rs. 92,718 /- to the petitioner.

For Petitioner : M/s.Venkatesan.V.R,
For Respondents : Mr.M.Lingadurai for R1 & R2
Special Government Pleader
Mr.I.Suthakaran for R3

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

2. The petitioner has filed the present writ petition challenging the impugned order of the 1st respondent dated 21.11.2023, whereby the petitioner has been disbursed a sum of Rs.92,718/- against the medical reimbursement claim for a sum of Rs.2,38,950/-.

3. The order is said to have been passed by the first respondent limiting the claim of the petitioner. It is seen from the impugned



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proceedings that there are no recommendation of any of the committee contemplated under the scheme.

4. In such case, the order passed by the 1st respondent can be considered as an order of first level authority and the petitioner has got a remedy of appeal before the District Level Authority and work out his remedy.

4. The petitioner has alleged that he has undergone COVID-19 treatment. Hence, the respondent shall also consider whether the pensioner was undergone COVID-19 treatment and it is also appropriate for the Government to consider the claim of the petitioner in the light of G.O.Ms.No.281 and 288 dated 24.06.2020.

5. In respect of COVID-19 treatment, in WP(MD) Nos.25390 to 25393 of 2023, vide order dated 04.04.2024, this Court has made the following observations:

“10. Now, the grievance of the petitioner is that even while taking the treatment for non critical Covid care, the petitioners were made to spend a hefty sum like Rs.3,00,000/- to Rs.4,00,000/- etc., for



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10 to 13 days. In such cases, depending upon the eligibility of the hospital, if the scheme as contemplated under G.O.Ms.No.280 dated 24.06.2020, is applied, the petitioners would be eligible to get a very less sum of Rs.1,40,000/- Rs.1,19,000/-, and Rs.1,23,000/- and not beyond that. Since the petitioners are not able to get the rest of the amount spent by them, they have filed these Writ Petitions and sought a direction against the first respondent to sanction the rest of the medical expenses incurred by them.”

6. Since the claim of the petitioner has to be considered by the hierarchy of committees for giving medical benefits for the employees/pensioners, who were affected with COVID-19, the impugned order of the 1st respondent dated 21.11.2023 is set aside, so far as it disallows the claim of the petitioner and the matter is remitted back to the authorities concerned to consider the claim of the petitioner and pass appropriate orders and if the order does not carry any further sanction, it should be stated that the petitioner is entitled to work out his remedy before the District Level Empowered Committee. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.



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7. The writ petition is disposed of with the above observations and direction. No costs.

07.06.2024

RR

TO

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R.N.MANJULA,J

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