



WP(MD). No.3875 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.3875 of 2024
and WMP(MD) No.375 6 of 2024**

Esakki Saravanan. K

... Petitioner

Vs

1. The Director,
Medical and Rural Health Service,
Teynampet,
Chennai-600 006.

2. The Commissioner,
Treasuries and Accounts,
Nandanam,
Chennai-600 035.

3. The Collector,
District Level Empowered Committee,
Nagercoil,
Kanyakumari District.

4. The Joint Director,
Health and Rural Services,
Nagercoil,
Kanyakumari District.



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5. The Commissioner,
Nagercoil,
Kanyakumari District.

6. The Manager,
United India Insurance Company Limited,
Pla Rathna Towers,
5th Floor, 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, to call for the records pertains to impugned order dated 12.12.2022 in Ref.No.010600/G/2655/2022 passed by the 6th respondent and quash the same and consequently direct the respondents to disburse the medical expenditure incurred by the petitioner within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.K.Rajeshwaran,
For Respondents : Mr.M.Lingadurai for R1 to R4
Special Government Pleader
Mr.F.Deepak for R5
Mr.A.Shahjahan for R6

ORDER

The petitioner is challenging the impugned order dated 12.12.2022 through which the claim of the petitioner was rejected on the ground that the diagnosis and the line of management are not covered as per



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G.O.Ms.No.202 dated 30.06.2016.

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2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 4 and the learned counsel for the respondents 5 and 6.

3. The learned counsel for the petitioner submitted that the petitioner was affected with Cirrhosis liver and for liver transplantation, the petitioner undergone a surgery, for which, he sought medical reimbursement as he is the State Government employee and covered under the NHIS. He further submitted that on an application filed before the District Level Empowering Committee, the said committee had also not recommended the case of the petitioner and the impugned order is passed by the insurance company stating that the diagnosis and the line of management are not covered as per G.O.Ms.No.202 dated 30.06.2016.

4. If the petitioner is aggrieved due to the above order, he ought to have filed an appeal before the State Level Committee. At this juncture, the petitioner has stated that he has already filed an appeal before the



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State Level Committee and that has been forwarded to the 6th respondent by the first respondent.

5. Once the petitioner has filed an appeal before the State Level Empowering Committee, the State Level Empowering Committee shall call for a meeting of the committee members in order to take a decision in the appeal so filed by any of the employee/appellant. However, in the instant case, the first respondent has simply forwarded the papers to the Insurance company without knowing the design/object and the procedure. However, in the counter of the respondents, it is stated that the State Level Committee has recommended as follows:

“the treatment taken in non network hospital and the treatment is covered under the scheme and it is also emergency. Hence, the claim of the petitioner is recommended to insurance company to reimburse the eligible amount under this scheme.”

6. In such case, the State Level Empowering Committee ought to have communicated the papers along with the above recommendation and not simply the papers alone. If the State Level Empowering



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Committee has made such recommendation, it is for the 6th respondent to act upon it as per the said recommendation. If the 6th respondent has not received the above recommendation submitted, the 6th respondent shall address the head of the State Level Empowering Committee to furnish a copy of its recommendation and pass appropriate orders thereafter in accordance with the recommendation.

7. It is needless to state that the petitioner shall also approach the State Level Empowering Committee in order to get a copy of the recommendation and furnish it to the 6th respondent to enable them to act further.

8. With the above observation and direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

07.06.2024

RR



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R.N.MANJULA,J

RR

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