



W.P.(MD)No.6174 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.6174 of 2023

and

W.M.P.(MD)Nos.20606 & 5885 of 2023

P.Selvi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. By its Secretary,
Finance(Salaries)Department,
Fort St. George,
Chennai.
- 2.The Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai.
- 3.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai.
- 4.The District Collector,
Kanyakumari District,
At Nagercoil.
- 5.The Joint Director of Medical and Rural Health Services,
Kanyakumari District,
At Nagercoil.



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6.The District Level Empowered Committee under the New
Health Insurance Scheme,
Kanyakumari District,
Kanyakumari.

7.The Treasury Officer,
Kanyakumari District,
At Nagercoil.

8.The Divisional Manager,
United India Insurance Company Limited,
5th Floor, PLA Rethna Towers,
Anna Salai,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
relating to the impugned order passed by the 7th respondent in RC.No.
21977/2015-(50)/L2 dated 30.07.2021 and quash the same as illegal and
consequently direct the respondents to reimburse the medical expense of
Rs.4,20,421/- incurred by the petitioner towards her treatment for Heart
Ailment along with interest at the rate of 9% per annum from 25.12.2014
till the date of reimbursement.

For Petitioner : Mr.A.Mohamed Hashim

For R1 to R7 : Mr.J.Ashok
Additional Government Pleader

For R8 : Mr.C.Karthik



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ORDER

Heard Mr.A.Mohamed Hashim, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for R1 to R7 and Mr.C.Karthik, learned counsel appearing for R8.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 7th respondent in RC.No.21977/2015-(50)/L2 dated 30.07.2021, quash the same and consequently direct the respondents to reimburse the medical expenses of Rs.4,20,421/- incurred towards her treatment for heart ailment along with interest at the rate of 9% per annum from 25.12.2014 till the date of reimbursement.

3. The petitioner who is a pensioner is said to have taken treatment for heart ailment during the period between 18.12.2014 to 25.12.2014. The claim of the petitioner has been partially admitted to the tune of Rs.2,00,000/- and the rest of the claim was rejected stating that the



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petitioner was originally admitted in a non-network hospital and thereafter, in a network hospital and subsequently in a non-network hospital and hence, she is not entitled to the whole of the claim under the New Health Insurance Scheme. 2018.

4. Mr.A.Mohamed Hasim, learned counsel for the petitioner submitted that the treatment taken by the petitioner is an emergency treatment in view of her heart ailment and hence, the hospital where she has taken treatment will not make any difference. Even according to the Government Order in G.O.Ms.No.222, Finance Department, 30.06.2018 for a treatment taken during emergency situation in a non-network hospital, the petitioner is entitled for reimbursement. It is his submission that the partial claim of the petitioner has been sanctioned only under the Tamil Nadu Medical Attendance Rules and the Insurance Company has rejected the claim of the petitioner, as the District Level Empowering Committee has not recommended for sanctioning the reimbursement.



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5. In that case, the petitioner has to prefer an appeal before the State Level Empowering Committee and the petitioner has straightaway filed this writ petition without invoking the Statutory remedy.

6. In view of the above observations, the writ petition is **disposed of** with a liberty to the petitioner to prefer an appeal before the State Level Empowering Committee within a period of two weeks from the date of receipt of a copy of this order and on receipt of such appeal, the State Level Empowering Committee shall dispose of the same within a period of four weeks thereon. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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- 1.The Secretary,
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State Level Empowering Committee,
Fort St. George, Chennai.
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- 3.The Director of Medical and Rural Health Services,
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R.N.MANJULA, J.

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