

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8562 of 2024

G.Soma Sundaram

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Korampallam,
Thoothukudi-628 101.

2.The Joint Director of Health Services,
Joint Director of Medical and Rural Health Services,
166, North Beach Road,
Thoothukudi-628 001.

3.The Block Development Officer (Village Panchayats),
O/o.Panchayat Union Office,
Kovilpatti Panchayat Union,
Kovilpatti Post,
Thoothukudi District.

4.M/s.United India Insurance Company Limited,
Rep.by its Divisional Manager,
5th Floor, PLA Rathna Towers,
212, Anna Salai,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs.1,25,879/- towards reimbursement of medical expenses with interest at the rate of 9% per annum from the date of making the claim till the actual payment to be made to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 and R2
Mr.J.K.Jeyaseelan for R3
Mr.C.Karthik
Standing Counsel for R4

ORDER

Heard Mr.M.Saravanakumar, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.J.K.Jeyaseelan, learned Government Advocate appearing for the third respondent and Mr.C.Karthik, learned Standing Counsel appearing for the fourth respondent.

2. The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents to pay the reimbursement of medical expenses of

Rs.1,25,879/- (Rupees One Lakh Twenty Five Thousand Eight Hundred and Seventy Nine only) incurred by the petitioner for the treatment taken by him subsequent to an accident occurred to him.

3. Earlier, the very same petitioner has filed a writ petition in W.P(MD).No.28979 of 2023, in which, the following order has been passed:

“2. The petitioner, who is a Government servant, has taken treatment and has made a claim under the Health Insurance Scheme. Since the said claim was not considered, the present writ petition has been filed.

4. In view of the above said facts, the petitioner herein is directed to send his NEFT details to the fourth respondent directly within a period of one week. On receipt of the same, the fourth respondent is directed to disburse the eligible amount to the writ petitioner within a period of two weeks thereafter.”

4. As per the claim of the petitioner, the petitioner has spent a sum of Rs.2,58,989/- (Rupees Two Lakhs Fifty Eight Thousand Nine Hundred and Eighty Nine only) towards his medical treatment. The said fact was not denied. However, the petitioner was released with a sum of Rs.1,34,110/- (Rupees One Lakh Thirty Four Thousand One Hundred and Ten only) alone. The petitioner

claims that he is entitled to get the reimbursement of the remaining amount as well.

5. But, the learned Standing Counsel for the fourth respondent submitted that as per the earlier order, dated 14.12.2023 made in W.P(MD).No.28979 of 2023, the petitioner is entitled to be given with the eligible amount only.

6. It is learnt that the fourth respondent has not passed any orders as to why the rest of the amount which was withheld was not eligible to be reimbursed. It is a tri-partite agreement between the Government of Tamil Nadu, the Insurance Company and the Network Hospitals. So far as the petitioner is concerned, he is entitled to whatever amount which has been spent by him from his pocket for taking treatment for the injuries suffered by him in the accident. There is no denial or dispute with regard to the genuineness of the medical documents filed by the petitioner and the medical expenses incurred by him.

7. It is not in dispute with regard to the eligible amount for which the petitioner is entitled to get reimbursement. So far as the third

respondent/employer is concerned, he has forwarded the whole claim without making any note that a part of the claim is not eligible to be reimbursed. In that event, the claim of reimbursement of medical expenses need not have been rejected partially. The petitioner has got a rightful remedy to approach the District Level Empowered Committee which comprises the first respondent as Chairman. Unless the fourth respondent passes any order, it is not feasible for the petitioner to approach the State Level Empowered Committee and make his claim.

7. This Writ Petition is disposed of, directing the fourth respondent to pass an order as to why the part of the medical amount is not eligible to be reimbursed and on receipt of the same, the petitioner is at liberty to file an appeal before the District Level Empowered Committee/first respondent within a period of two weeks therefrom. The first respondent shall consider the appeal, if any, filed by the petitioner and pass appropriate orders within a period of four weeks from the date of filing of the appeal. There shall be no order as to costs.

04.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ssb

To

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