



W.P.(MD)No.8639 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8639 of 2024

A.Subramanian

.. Petitioner

Vs.

1.The District Level Empowered Committee,
represented by its Chairman,
Tenkasi District.

2.The Joint Director of Medical & Rural Health Services,
Tenkasi, Tenkasi District.

3.The Commissioner of Treasuries and Accounts,
Integrated office complex for Finance Department,
Nandanam,
Annal Salai, Chennai.

4.The General Manager,
MD India Health Insurance TPA Private Limited,
Guna Complex, New Door No.443 & 445,
Old No.304 & 305, Annasalai,
Teynampet,
Chennai- 600 018.



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5. United India Insurance Company Limited,
Represented by its Divisional Manager,
Divisional Office VI,
PLA Rathna Towers, 5th Floor,
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 herein to reimburse the medical expenses of Rs.2,14,378/- (Rupees Two lakhs fourteen thousand, three hundred and seventy eight only) for the treatment underwent by the petitioner's wife with 18% interest from the date of her discharge to the date of actual payment.

For Petitioner : Ms.M.Padmavathy

For R-1 to R-3 : Mr.J.Ashok
Additional Government Pleader

For R-5 : Mr.C.Karthik
Standing Counsel



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ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Ms.M.Padmavathy, learned counsel for the petitioner, Mr. J.Ashok, learned Additional Government Pleader for the respondents 1 to 3 and Mr.C.Karthik, learned Standing counsel for the 5th respondent.

3. This Writ Petition has been filed seeking direction against the the respondents herein to reimburse the medical expenses of Rs. 2,14,378/- (Rupees Two lakhs fourteen thousand, three hundred and seventy eight only) for the treatment underwent by the petitioner's wife with 18% interest from the date of her discharge to the date of actual payment.

4. The petitioner, who has applied for medical reimbursement for medical treatment taken to his wife, has filed this writ petition



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stating that he is covered under the New Health Insurance Scheme sponsored for Government servants. But so far the whole of the medical claim made by him has not settled. Since the petitioner is covered under cashless medical insurance scheme, the fourth respondent has approved a sum of Rs.1,14,000/- even while the treatment was in progress. However, the petitioner claimed the total medical expenses for a sum of Rs.3,28,378/-. Since the rest of the amount spent by the petitioner could not be reimbursed by the petitioner despite his repeated representations, the petitioner has preferred an appeal before the District Level Empowering Committee/first respondent herein. Consequently, the second respondent has called for certain documents from the petitioner in order to consider the remaining reimbursement for a sum of Rs. 2,14,378/-.

5. Ms.M.Padmavathy, learned counsel for the petitioner submitted that all those documents which were required by the second



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respondent have been submitted but still the same has not been considered.

6. It is seen from the letter of the second respondent that the communication has been addressed to the petitioner on 05.07.2022. In response to that the petitioner also furnished necessary details on 18.07.2022. The petitioner has also been sending the reminders frequently but the respondents have not considered the same and kept the file pending. Since the first and second respondents being the statutory authorities they are expected to give a disposal to the representation made by the petitioner. That too especially when the first respondent happens to be a Committee to whom the aggrieved persons can file appeals. Due to the failure on the part of the first respondent to pass appropriate orders, the petitioner has filed this writ petition. Hence, I feel that this claim of the petitioner have some merits.



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7. In the result, this writ petition is **allowed**. The first respondent is directed to consider the petitioner's representation and pass orders on its own merits and in accordance with the eligibility of the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No Costs.

05.04.2024

NCC :yes/no
Index :yes/no
Internet :yes/no
PJJ

To

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represented by its Chairman,
Tenkasi District.

2.The Joint Director of Medical & Rural Health Services,
Tenkasi, Tenkasi District.

3.The Commissioner of Treasuries and Accounts,
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4.The General Manager,
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R.N.MANJULA, J.

PJL

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