



W.P.(MD).No.9022 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.9022 of 2023
and W.M.P(MD) No.8186 of 2023

J.Joel

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai 600 009.
2. The State Empowered Committee,
Rep by the Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K. Anbazhagan Maligai,
571, Anna Salai, Nandhanam, Chennai 600 035.
3. The Empowered Committee,
Rep by the District Collector,
Tirunelveli District at Tirunelveli.
4. The Managing Director,
United India Insurance Co. Ltd.,
MDindia Healthcare Services (Tpa) Pvt. Ltd.
No. 27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Salai, Mylapore, Chennai – 600 004.
5. The Additional Treasury Officer,
The District Treasury Officer,
Tirunelveli, Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse a sum of Rs. 4,47,200/- (Rupees Four Lakhs Forty Seven Thousand Two Hundred Only), towards the medical reimbursement to the petitioner with interest at the rate of 9 % within the stipulated time fixed by this Court.

For Petitioner : Mr. S.Xavier Rajini

For Respondents : Mr.J.K.Jayaselan (R1 to 3, 5)
Government Advocate

Mr.C.Karthik (R4)

ORDER

The present writ petition has been filed for the issue of a writ of mandamus, directing the respondents to disburse a sum of Rs.4,47,200/- (Rupees Four Lakhs Forty Seven Thousand Two Hundred Only), towards the medical reimbursement to the petitioner with interest at the rate of 9 % within the stipulated time fixed by this Court.

2.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and 5 and the learned counsel appearing for the fourth respondent. Perused the materials on record.



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3.(i)The petitioner joined as the Assistant Professor in English in St.Johns College, Palayamkottai, Tirunelveli District on 11.10.1983 and he retired from service on attaining the age of superannuation on 31.05.2003. He was a regular subscriber to the Tamil Nadu Government Employees Health Fund Scheme since 09.01.1992. On 28.07.2021, due to emergency he was admitted in Christian Medical College, Vellore and had undergone surgery for Bilateral Total Knee Replacement (Genesis II) on 30.07.2021 and was discharged on 12.08.2021. He had incurred a total expenditure of Rs.7,29,000/-, for which, the fourth respondent has paid a sum of Rs.2,82,000/- towards cashless treatment for the period from 28.07.2021 to 04.08.2021 to the hospital directly. At the time of discharge, the petitioner has paid the remaining amount of Rs.4,47,200/- to the hospital.

(ii).On 07.10.2021 the petitioner made a representation requesting the third respondent to disburse Rs.4,47,200/- towards medical reimbursement amount. The third respondent Empowered Committee intimated that already the fourth respondent has approved the maximum amount to the Hospital vide proceedings, dated 12.05.2022.

(iii).In view of the same, the petitioner filed W.P(MD)No.11810 of 2022 before this Court seeking for the disbursal of the remaining amount of



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Rs.4,47,200/-. This Court, vide order, dated 28.02.2022 directed the petitioner to make an appeal to the second respondent for appropriate remedy.

(iv).On 21.12.2022 the petitioner preferred an appeal before the second respondent/State Empowered Committee requesting reimbursement of Rs.4,47,200/-. However, the second respondent vide order, dated 15.02.2023 confirmed the order passed by the Empowered Committee. Hence, this writ petition came to be filed.

4.The learned counsel for the petitioner vehemently submitted that either the order passed by the Empowered Committee, dated 12.05.2022 or the order passed by the State Empowered Committee, dated 15.02.2023 did not address as to how the quantum has been fixed for the T.K.R. Procedure and implant cost at Rs.2,54,000/-, though the petitioner has separately filed the bill particulars towards the medical expenses incurred by him. Hence, prayed to allow the petition.

6.Per contra, the learned counsel appearing for the fourth respondent vehemently contended that both the District Empowered Committee and State Empowered Committee only after considering the various guidelines



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has passed the said orders. Hence, there is no infirmity and prayed for dismissal of the petition.

7.A careful perusal of the medical bills produced by the petitioner would reveal that an amount of Rs.1,66,785/- has been charged for Operation Fees and an amount of Rs.1,67,640/- has been charged for Implant-Orth 3 and other expenses incurred towards various other heads such as Anaesthesia, biopsy, Dengue Serology, Diabetes, ECG and Echo. However, without these examinations such kind of major operation could not have been conducted on the petitioner.

8.In view of the discussion made supra, this Court is of the view that the orders passed by the both the Empowered Committee and the State Empowered Committee were cryptic in nature and did not address about as to how the quantum was fixed and as to how they come forward to reimburse only on two heads, ie., Operation Charges (TKR Procedure & Implant cost) and Room Rent.



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9. Therefore, this Court directs the petitioner to prefer an appeal before the High Level Empowered Committee, within a period of two weeks from the date of receipt of copy of this order and on receipt of the same, the High Level Empowered Committee is directed to dispose of the appeal by passing an elaborate and speaking order by addressing the reasons, as to how the quantum has been arrived at and pass appropriate orders, within a period of four weeks thereafter.

10. With the above directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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1. The Secretary,
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Fort St. George,
Chennai 600 009.
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The State Empowered Committee,
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3. The District Collector, Empowered Committee,
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L.VICTORIA GOWRI, J.

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ORDER IN
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