



W.P.(MD)No.10004 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.10004 of 2023

M.Leela

... Petitioner

vs.

1.The District Collector,
Nagercoil, Kanyakumari District.

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

3.The Treasury Officer,
District Treasury, Nagercoil, Kanyakumari District.

4.The Senior Divisional Officer,
United India Insurance Company Limited,
Division Office-VI, LA Retna Towers, 5th Floor,
212, Anna Salai, Chennai – 600 006.

5.The District Co-ordinator,
MD India Health Insurance (TPA) Pvt. Ltd.,
No.84, Lousiammal Street, WCC Junction,
Nagercoil – 629 001.

... 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 pertaining to the impugned report of DLEC, dated 12.08.2021 and



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consequential impugned communication sent by the 3rd respondent in his proceedings in Rc.No.21977/2015(55)/L2 dated 24.11.2021, quash the same and consequently direct the respondents, to reimburse the medical expenses for a tune of Rs.6,53,836/- (Rupees Six Lakhs Fifty Three Thousand Eight hundred and Thirty Six Only) to the petitioner for the treatment undergone by the petitioner's deceased husband N.Mohana Kumar at KIMS Hospital, Thiruvananthapuram in the light of various judgments made by this Court along with the interest at the rate of 6% per annum, within a stipulated time.

For Petitioner	:	Mr.C.Kishore
For R1 to R3	:	Mr.N.Ramesh Arumugam Government Advocate
For R4	:	Mr.C.Karthik
For R5	:	No appearance

ORDER

Heard Mr.C.Kishore, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for R1 to R3 and Mr.C.Karthik, learned counsel appearing for R4.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned report of DLEC, dated 12.08.2021 and consequential impugned



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communication sent by the 3rd respondent in Rc.No.21977/2015(55)/L2 dated 24.11.2021 and quash the same, and consequently direct the respondents to reimburse the medical expenses of Rs.6,53,836/- to her for the treatment undergone by her deceased husband N.Mohana Kumar at KIMS Hospital, Thiruvananthapuram in the light of various judgments of this Court together with the interest at the rate of 6% per annum, within a stipulated time.

3. Mr.C.Kishore, learned counsel appearing for the petitioner submitted that the petitioner's claim for medical reimbursement to the tune of Rs.6,53,836/- towards her deceased husband's treatment was not recommended by the District Level Empowering Committee stating that the treatment has been taken in a non-network hospital in a non-emergency situation. It is his submission that as per G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018, the pensioners are entitled to get medical reimbursement for the treatment taken in a non-network hospital in an emergency situation. Despite the treatment taken by the petitioner's husband was an emergency one, the same has not been



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considered by the District Level Empowering Committee.

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4. It is learnt that the appropriate remedy available to the petitioner is by way of filing an appeal before the State Level Empowering Committee. However, without exhausting the said remedy, the petitioner has straightaway filed a writ petition before this Court. Hence, it is up to the petitioner to make all his submissions before the State Level Empowering Committee, before whom, he can challenge the orders of the District Level Empowering Committee.

5. In view of the same, the writ petition is **disposed of** and the petitioner is at liberty to prefer an appeal before the State Level Empowering Committee, if so advised, within a week from the date of receipt of a copy of this order and workout his remedy there. No costs.

05.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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