



W.P.(MD).No.14236 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14236 of 2021

P.George Samuel

... Petitioner

Vs.

1.The Principal Secretary /
Commissioner,
Treasuries and Accounts Department,
Integrated Office Complex for
Finance Department,
Veterinary Hospital Campus,
Nandanam, Annasalai,
Chennai-600 035.

2.The Finance Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

3.The District Collector,
Kanyakumari District,
Nagercoil.

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



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5.The Nodal Officer,
United India Insurance Co. Ltd.,
V Floor, P.L.A. Rathna Towers,
212, Annasalai, Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to reimburse the amount of Rs.1,43,477 (One Lakh Fourty Three Thousand Four Hundred and Seventy Seven only) with 12% interest based on the representation dated 08.03.2021.

For Petitioner : Mr.M.Sreenivasan,
For Mr.P.T.Ramesh Raja

For R-1 to R-4 : Mr.D.Gandhiraj,
Special Government Pleader

For R-5 : Mr.A.Shajahan,
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondents 1 to 5 to reimburse the amount of Rs.1,43,477 (One Lakh Fourty Three Thousand Four Hundred and Seventy Seven only) with 12% interest based on the representation dated 08.03.2021.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

2.1. The petitioner is a pensioner who retired as a Assistant Engineer in the Public Works Department and he is a subscriber to the pensioners' health wealth scheme, namely, New Health Insurance Scheme. On 07.07.2019, the petitioner's wife, namely, Hepshiba suffered a fracture in her hip, for which, she was hospitalized in George Mission Hospital, Kottar, Nagercoil and incurred a medical expenditure of Rs.1,02,504/- (Rupees One Lakh Two Thousand Five Hundred and Four only). Thereafter, the petitioner had applied medical recovery to the 4th respondent on 01.08.2019 and the same was forwarded to the 5th respondent. In the meantime, his wife again fell down and got admitted on 02.08.2019 at George Mission Hospital, Kottar, Nagercoil at the first instance and thereafter, at Subam Hospital, Nagercoil and there at surgery was conducted on 05.08.2019. After surgery at Subam Hospital, she was shifted to George Mission Hospital, Nagercoil for post operation care on the same day and treated as inpatient till 12.08.2019. For the second time, the petitioner incurred a medical expenditure to the tune of Rs.99,410/- (Rupees Ninety Nine Thousand Four Hundred and Ten only).



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2.2. In this regard, the petitioner had sent a detailed representation to the 4th respondent on 04.10.2019 requesting to sanction the said amount and the same was forwarded to the Joint Director of Medical and Rural Health Service, Nagercoil for appropriate action. Thereafter, the Joint Director of Medical and Rural Health Service, Nagercoil issued a letter calling upon the petitioner to appear before the District Level Empowered Committee on 28.11.2019 along with all records and duly the petitioner appeared before the said committee. Being satisfied with the records produced by the petitioner, the Joint Director of Medical and Rural Health Service, Nagercoil, recommended the 5th respondent, by letter dated 30.01.2020 to disburse a sum of Rs.89,540/- (Rupees Eighty Nine Thousand Five Hundred and Forty only) towards the medical treatment of the petitioner's wife. Even after that, the petitioner's medical reimbursement remained unsettled. Hence, he made a representation on 08.03.2021 to all the respondents. Since the same was not considered by the respondents, the present writ petition came to be filed.



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3. When the matter was taken up for hearing the learned counsel appearing for the 5th respondent submitted that, already an amount of Rs.48,000/- (Rupees Forty Eight Thousand only) was paid towards fracture of neck of left femour on 08.10.2020. However, the medical expenditure incurred by the petitioner's wife for her treatment in the second time which has come to the tune of Rs.99,410/- (Rupees Ninety Nine Thousand Four Hundred and Ten only) is not yet paid. However, the payment of the same would be considered on the submission of all the relevant copies of the medical records by the petitioner to the 5th respondent afresh.

4. However, the learned counsel appearing for the petitioner brought to my notice that, already the original documents have been submitted to the District Level Empowerment Committee, however, he is ready to produce the copy of the same before the 5th respondent as required by the learned counsel appearing for the 5th respondent.

5. Heard the learned counsels appearing on either sides. Carefully perused the materials available on record.



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6. In view of the same, the petitioner is directed to furnish the copy of the entire medical records to the 5th respondent forthwith. On receipt of the same, the 5th respondent is directed to consider the case of the petitioner and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

19.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 23.07.2024.

To

1. The Principal Secretary /
Commissioner,
Treasuries and Accounts Department,
Integrated Office Complex for
Finance Department,
Veterinary Hospital Campus,
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L.VICTORIA GOWRI, J.

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