



W.P.(MD).No.14922 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14922 of 2022
and WMP(MD) No.10679 of 2022

B.Parameshwari

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary, Department of Finance (Salaries),
Fort St. George, Chennai - 600 009.
2. The Director of Treasuries And Accounts,
No.1, Jeenis Road, Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Collector,
Tuticorin, Tuticorin District.
4. The Joint Director of Medica and Rural Health Services,
166, North Kadarkarai Salai, Thoothukudi.
5. The District Treasury Officer,
Collectorate Campus, Thoothukudi District - 628 101.
6. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office, Pla Rathna Towers,
5th Floor, Anna Salai, Chennai - 600 006.

... 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 Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 6th respondent herein vide Letter, dated 30.06.2021 and consequently the impugned proceedings issued by the 3rd respondents herein vide Na.Ka. No. K-4/7698 / 2021, dated 06.08.2021 quash the same, and further direct the 1st respondent herein to disburse forthwith a sum of Rs.2,55,988/- (Rupees Two Lakhs Fifty Five Thousand Nine Hundred and Eighty Eight only) to the petitioner along with appropriate interest towards the medical expenses incurred towards Acute Intestinaal Obstruction treatment from 06.05.2020 to 27.05.2020 in Edision Hospital, Tiruchendur.

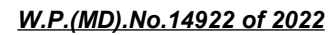
For Petitioner : A.Ajith Geethan

For Respondents : Mr.T.Amjad Khan (R1-R5)
Government Advocate

Mr.C.Karthik (R6)
Standing Counsel

ORDER

Heard A.Ajith Geethan, learned counsel for the petitioner, Mr.T.Amjad Khan, the learned Government Advocate for the respondents 1 to 5 and Mr.C.Karthik, learned Standing Counsel for the 6th respondent.



3. The petitioner, who was a retired Government servant, is a beneficiary under the New Health Insurance Scheme and he had claimed a sum of Rs.2,55,988/- as medical reimbursement, which was incurred by her for his ailment of Acute Intestinal Obstruction. However, the same was denied by the 6th respondent stating that the disease Acute Intestinal Obstruction is not covered under the scheme and hence, the petitioner claim cannot be considered under the reimbursement scheme.



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4. The learned counsel for the petitioner submitted that the District Level Empowered Committee has passed an order of rejection.

5. In realistic sense, the District Level Empowered Committee has not recommended the said application, but it has been just forwarded by the Personal Assistant to District Collector. In the strict sense, any recommendation by the District Level Empowered Committee is an order. Hence, it should be passed on the merits of the claims after due consultation is made between the Committee members by proper appreciation and in accordance with the Scheme. In any case, the recommendation of the Committee cannot be a mere one word.

6. However, the first respondent cannot take advantage of the sorry state of affairs and claim that the order of District Level Empowered Committee has to be challenged by way of preferring an appeal. In fact, there is no order passed by the District Level Empowered Committee. Any communication originated by any members of the District Level Empowered Committee cannot be considered as an order of District Level Empowered Committee.



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7.In reality, the petitioner has to approach the District Level Empowered Committee for having got an adverse order from the 6th respondent by denying the medical reimbursement claimed by him.

8.Hence, the petitioner is at liberty to file an appeal before the District Level Empowered Committee and the fifth respondent should in all fairness appraise the State Level Empowered Committee about the present order and not press the appeal which is alleged to have been filed by her with a liberty to file fresh appeal, at any future point of time, after the District Level Empowered Committee passes an order on merits.

9.Hence, the petitioner is at liberty to file an appeal before the District Level Empowered Committee and on receipt of the same, the District Level Empowered Committee shall consider the same and pass orders within a period of three weeks from the date of receipt of copy of this order.



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10.With the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

27.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary, State of Tamil Nadu,
Department of Finance (Salaries),
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R.N.MANJULA, J.

PNM

**ORDER IN
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27.06.2024