



WP(MD) No.15704 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15704 of 2022

N.Mala (Died)

2.Malligai Sundaram

3.M.Muniraj Gandhi

4.S.Dhanalakshmi

5.Aruna Malligaisundaram

... Petitioners

(Petitioner Nos.2 to 5 are substituted)

Vs.

1.The Director of Treasuries and Account,
Panagal Building,
Saithapet, Chennai-15.

2.The Director of Medical and Rural Health Service,
Directorate, Annasalai,
Theynampet, Chennai.

3.The Deputy Director of Medical and
Rural Health Service and Family Welfare,
District Family Welfare Bureau,
5-A, Salai Street, Tirunelveli - 03.



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4.The District Treasury Officer,
Collectorate Campus, Tirunelveli.

5.MD India Health Insurance TPA Pvt. Ltd.,
Unit of United India Insurance Company Ltd.,
Guna Complex, New Door No. 443 and 445,
Old Door No. 304 and 305, Annasalai,
Theynampet, Chennai-18.

6.The Divisional Manager,
United India Insurance Company Limited,
Division Officer VI,
PLA Rathna Tower,
5th Floor, Annasalai, Chennai - 6.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide Na.Ka.No. 4310/Ka2/2022 dated ...05.2022 and quash the same as illegal and may consequently direct the respondents to pay medical bill of Rs.1,97,030/- to the petitioner payable under New Health Insurance Scheme 2018 for reimbursing Medical Expenditure incurred by the petitioner with the interest at the rate of 12%.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 to R-4 : Mr.T.Amjadkhan,
Government Advocate

For R-6 : Mr.C.Karthik



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ORDER

Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for respondents Nos.1 to 4 and Mr.C.Karthik, learned counsel appearing for the sixth respondent.

2. The petitioners 2 to 5, who are the legal heirs of the deceased employee Mala, have filed this Writ Petition, challenging the order of the third respondent in Na.Ka.No.4310/Ka2/2022, dated 12.05.2022 and consequently to direct the respondents to pay medical bill of a sum of Rs.1,97,030/- (Rupees One Lakh Ninety Seven Thousand and Thirty only) to the deceased employee Mala payable under the New Health Insurance Scheme 2018 for reimbursing the Medical Expenditure incurred by her with the interest at the rate of 12%.

3. The grievance of the petitioners is that the request made by the deceased employee Mala to pay medical bill of a sum of Rs.1,97,030/- towards medical expenditure was rejected by the third respondent. In the impugned order, dated 12.05.2022, it is stated that the hospital, in



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which, the deceased employee Mala had undergone the treatment is a non-network hospital and further, the treatment taken by her was also not covered under the line of management allowed in the Scheme. However, the order further stated that if she has any grievance over the above said order, she has to file an appeal before the State Level Empowered Committee.

4. Strangely, Mr.C.Karthik, learned counsel appearing for the sixth respondent / United India Insurance Company Limited submitted that the sixth respondent has challenged the order of the District Level Empowered Committee by way of preferring an appeal before the State Level Empowered Committee.

5. Had the District Level Empowered Committee has already made a recommendation, then, the only option to the sixth respondent is either to challenge the same or to comply with the same. But the sixth respondent has chosen to sit over the recommendation made by the District Level Empowered Committee, instead of filing an appeal before the State Level Empowered Committee.



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6. In view of the above, this Writ Petition is **allowed** and the impugned order of the third respondent in Na.Ka.No.4310/Ka2/2022 dated 12.05.2022 is set aside and the matter is remitted back to the file of the District Level Empowered Committee to consider the matter afresh by giving notice to all the interested parties concerned and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and furnish a copy of the same to the legal heirs of the deceased employee Mala / petitioner Nos.2 to 5. Since the petitioners are the legal heirs of the deceased Government employee, notice shall be sent to petitioner Nos. 2 to 5 also by the District Level Empowered Committee. No costs.

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

TSG



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To

- 1.The Director of Treasuries and Account,
Panagal Building,
Saithapet, Chennai-15.
- 2.The Director of Medical and Rural Health Service,
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Theynampet, Chennai.
- 3.The Deputy Director of Medical and
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- 4.The District Treasury Officer,
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R.N.MANJULA, J.

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Order made in
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