



W.P.(MD)No.13959 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.13959 of 2023

and

W.M.P.(MD)Nos.19375 & 11782 of 2023

A.Rajalingam

... Petitioner

vs.

- 1.The Principal Secretary & Commissioner,
Treasury & Accounts Department,
“Amma” Vazhagam, 3rd floor,
No.571, Anna Salai, Nandhanam,
Chennai – 35.
- 2.The Commissioner of Treasures and Accounts,
Chennai-15.
- 3.The District Collector,
Theni District.
- 4.The Joint Director,
Health Rural Welfare Scheme and
Family Welfare, Theni at Periyakulam,
Theni District.
- 5.MDIndia Health care Services(TPA) P.Limited,
No.27, Laxmi Tower, Third Floor,
Mylapore, Chennai – 600 004.



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6.The Nodal Officer,
United India Insurance Company Limited,
Under New Health Insurance Scheme 2012,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 3rd respondent in his proceedings Na.Ka.No.39524/2022/E5 dated 20.02.2023 and consequently direct the 6th respondent to reimburse the amount of Rs.2,52,075/- (Rupees Two Lakhs Fifty Two Thousand and Seventy Five only) to the petitioner under the New Health Insurance Scheme 2012 as per G.O.Ms.243 dated 29.06.2012 with interest.

For Petitioner	:	Mr.C.Muthusaravanan
For R1 to R4	:	Mr.M.Ramesh Government Advocate
For R6	:	Mr.A.Shajahan
For R5	:	No appearance

ORDER

Heard Mr.C.Muthusaravanan, learned counsel appearing for the petitioner, Mr.M.Ramesh, learned Government Advocate appearing for R1 to R4 and Mr.A.Shajahan, learned counsel appearing for R6.



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2. The petitioner has filed this petition seeking to issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 3rd respondent in Na.Ka.No.39524/2022/E5 dated 20.02.2023, quash the same and consequently direct the 6th respondent to reimburse the amount of Rs.2,52,075/- (Rupees Two Lakhs Fifty Two Thousand and Seventy Five only) to him under New Health Insurance Scheme, 2012 as per G.O.Ms.243, Finance (Salaries) Department, dated 29.06.2012 together with interest.

3. The petitioner who had spent a sum of Rs.2,52,075/- towards his son's surgery for hip replacement has applied for medical reimbursement. However, the third respondent vide the impugned communication has forwarded the medical bills and documents to the first respondent stating that the as per the letter received from the Deputy Manager, United India Insurance Company and as per the Government guidelines, the Government is responsible to reimburse the medical claim of the petitioner. Challenging the same, the writ petition is filed.



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4. However, Mr.C.Muthusaravanan, learned counsel appearing for the petitioner submitted District Level Empowering Committee has been constituted subsequently and in the meeting held on 10.11.2023, the Committee has recommended to reject the claim of the petitioner stating that the petitioner's son for whom treatment is given is not a dependent of the petitioner. It is his submission that the petitioner is entitled to the benefit of G.O.Ms.243, Finance (Salaries) Department, dated 29.06.2012 and the District Level Empowering Committee has failed to consider the same.

5. Since the District Level Empowering Committee has filed to consider the claim of the petitioner and pass orders in favour of the petitioner, the petitioner is at liberty to file an appeal before the State Level Empowering Committee.

6. In view of the same, the writ petition is **disposed of** and the petitioner is at liberty to file an appeal before the State Level Empowering Committee, if so advised, within a period of two weeks from the date of



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receipt of a copy of this order and workout his remedy there. No costs.

Consequently, connected Miscellaneous Petitions are closed.

05.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

- 1.The Principal Secretary & Commissioner,
Treasury & Accounts Department,
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R.N.MANJULA, J.

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