



W.P.(MD)No.14387 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14387 of 2023

S.Chella Krishnan ... Petitioner
vs.

- 1.The Secretary to the Tamil Nadu Government,
Finance Department, St. George Fort,
Chennai.
 - 2.The Director of Medical and Rural Health Service,
No.359, Anna Salai,
Chokkalingam Nagar,
Teynampet, Chennai – 600 006.
 - 3.The District Level Empowered Committee,
Madurai District.
 - 4.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Towers, 5th floor,
212, Anna Salai,
Chennai – 06.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue of Writ of Mandamus directing the respondents to



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reimburse the medical expenses of Rs.21,00,000/- incurred by the petitioner for the treatment of his son Late.C.Vignesh over infection of Epstein barr virus associated Hemophagocytic Lymphohistocytosis in the network hospitals based on the representation dated 16.09.2022 within a stipulated time.

For Petitioner : Mr.V.P.Rajan
For R1 : Mr.J.Ashok
Additional Government Pleader
For R4 : Mr.C.Karthik
For R2 and R3 : No appearance

ORDER

Heard Mr.V.P.Rajan, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for R1 and Mr.C.Karthik, learned counsel appearing for R4.

2. The petitioner has filed this petition seeking to issue of Writ of Mandamus directing the respondents to reimburse the medical expenses of Rs.21,00,000/- incurred by him for the treatment of his son, based on the representation dated 16.09.2022.



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3. Though this writ petition is filed for issuance of a writ of mandamus, it is learnt that there are subsequent developments and the fourth respondent Insurance Company has passed an order on 02.05.2024 in Ref: 010600/MDI/LD FEB-4/27, rejecting the claim of the petitioner on the ground of limitation. A copy of the order is also produced before this Court.

4. Mr.V.P.Rajan, learned counsel appearing for the petitioner submitted that though the District Level Empowering Committee has recommended to reimburse the medical expenses incurred by the petitioner, the fourth respondent has rejected the claim of the petitioner on the ground of limitation and the valuable opportunity of the petitioner is lost.

5. The fourth respondent Insurance Company has chosen to reject the medical reimbursement claim of the petitioner on technical grounds, for an issue which has to be viewed liberally. Since the District Level Empowering Committee had already recommended to reimburse



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the medical expenses incurred by the petitioner towards the treatment of his son, I feel that the fourth respondent Insurance Company shall not stand on technical grounds and comply the recommendation of the District Level Empowering Committee.

6. At this juncture, Mr.C.Karthik, learned counsel appearing for the fourth respondent submitted that the petitioner had made a huge claim of Rs.21,00,000/- towards medical reimbursement, which is beyond the ceiling limit of the scheme.

7. It goes without saying that the recommendation of the District Level Empowering Committee would confine only to the maximum amount eligible under the scheme.

8. In view of the above observations, the order passed by the fourth respondent in Ref: 010600/MDI/LD FEB-4/27 dated 02.05.2024 is set aside and the fourth respondent is directed to comply the recommendation of the District Level Empowering Committee and pass



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appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

05.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi

To

- 1.The Secretary to the Tamil Nadu Government,
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St. George Fort,
Chennai.
- 2.The Director of Medical and Rural Health Service,
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Chokkalingam Nagar,
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- 3.The District Level Empowered Committee,
Madurai District.



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R.N.MANJULA, J.

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