



WP(MD). No.15052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08/07/2024

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The Hon`ble Ms.Justice R.N.MANJULA

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A.Indira

... Petitioner

Vs

1.The District Collector
Thoothukudi

2.The Treasury Officer,
Treasury Office
Thoothukudi

3.The Divisional Manager,
United India Insurance Company Limited
Divisional Office – VI
5th Floor, PLA Rathina Towers
212 Anna Salai, Chennai 6.

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent vide his office proceedings in Na.Ka.No.6169/2022/N2 dated 11.05.2022 and quash the same consequently directing the respondents 1 to 3 to reimburse the medical expenses of Rs.8,79,878/-, incurred by the



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petitioner for taking medical treatment at Global Health City, Perumbakkam, Chennai with interest at the rate of 9% from 10.05.2015 ie., the date of last payment made by the petitioner to the hospital till date of reimbursement made to the petitioner within the stipulated time as fixed by this Court.

For Petitioner : Mr.K.Manoharan

For Respondents : Mr.J.Ashok for R1 & R2
Additional Government pleader
Mr.A.Shajahan for R3

ORDER

The writ petition has been filed challenging the impugned order passed of the 2nd respondent dated 11.05.2022 and consequently direct the respondents 1 to 3 to reimburse the medical expenses of Rs.8,79,878/-, incurred by the petitioner for taking medical treatment at Global Health City, Perumbakkam, Chennai with interest at the rate of 9% from 10.05.2015 ie., the date of last payment made by him to the hospital till date of reimbursement made to him within the stipulated time as fixed by this Court.

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 and 2 and learned counsel for the third respondent.

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3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner's husband is a retired Government servant and a beneficiary under the New Health Insurance Scheme (NHIS). He has undergone heart surgery by incurring a sum of Rs.8,79,878/-. When the petitioner made a claim for medical reimbursement, it was rejected by the 2nd respondent stating that the treatment was taken in a non networking hospital and the line of management is non emergency and hence, the claim could not be considered.

5. The learned counsel for the petitioner submitted that the treatment is an emergency treatment and it was also taken in a networking Hospital. However, the 2nd respondent has not properly appreciated the matter.

6. The learned counsel for the third respondent submitted that the order itself has been passed only pursuant to the orders of the District Level Empowered Committee.



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7. When the first order itself has not been passed by the appropriate authority but by the 2nd respondent, the petitioner cannot be deprived of the first level appeal remedy before the District Level Empowered Committee,

8. In view of the same, the writ petition is disposed and the matter is remitted back to the District Level Empowered Committee to pass orders after properly appreciating the matter, after giving opportunity to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

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R.N.MANJULA,J

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**ORDER
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