



W.P.(MD)No.16014 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16014 of 2024

M.Subbian

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul,

2.The Joint Director of Health Services,
Dindigul District, Dindigul.

3.The District Treasury Officer,
District Treasury,
Dindigul.

4.The United India Insurance Company,
134, Creams Road,
Chennai-6.

5.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul-4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records connected



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with Impugned order passed by the 4th respondent in Ref. 010600/CRS/B. 175/152/2024 dated 04.04.2024, quash the same and consequently to direct the respondents to reimburse the Medical Expenditure of Rs. 72,500/- incurred by the petitioner at the St. Joseph Hospital, Dindigul, a Net Work Hospital for taking treatment and Surgery for CHRONIC RHINOSINUSITIS / SINONASAL POLYPOSIS for the period from 25.01.2022 to 29.01.2022 (5 days) based on the letter of the 2nd respondent to the 4th respondent dated 01.11.2023 (petitioner in Sl. No.35) as was approved by the District Level Empowered Committee along with belated payment interest at the rate of 12% per annum.

For Petitioner : Mr.S.Govindan

For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader

For R-4 : Mr.A.Shajahan,
Standing Counsel

For R-5 : Mr.S.Raja,
Standing Counsel

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Govindan, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for respondent Nos.1 to 3, Mr.A.Shajahan, learned Standing Counsel appearing for



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the fourth respondent and Mr.S.Raja, learned Standing Counsel appearing for the fifth respondent.

3. The petitioner, is aggrieved due to the order of the fourth respondent, dated 04.04.2024, through which, the recommendation made by the District Level Empowered Committee for disbursing the medical reimbursement claimed by the petitioner, has not been given. The fourth respondent has rejected the recommendation stating that the diagnosis and line of management is not covered and hence, the claim cannot be considered as per the Government Order in G.O.(Ms).No.160, Finance (Salaries) Department, dated 29.06.2021. In fact, the petitioner is the beneficiary of the New Health Insurance Scheme. However, the fourth respondent has observed that the diagnosis and line of medical management were not covered under the Scheme.

4. Mr.S.Govindan, learned counsel appearing for the petitioner submitted that the District Level Empowered Committee has already recommended. On such case, the fourth respondent has to comply the same and cannot reject.

5. On perusal of the recommendation table attached with the covering letter of the second respondent, it is seen that there is only one word



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‘recommended’. In fact, the proceedings of the District Level Empowered Committee, in this regard, is also not attached with the order.

6. Without any application of mind and without any consultation with the members of the District Level Empowered Committee, if such one word recommendation has been made, the fourth respondent cannot be expected to comply the orders. It is to be noted that the fourth respondent is also a member in the District Level Empowered Committee and during the District Level Empowered Committee meeting, he could have stated the reasons as to why the petitioner's medical reimbursement could not be allowed. However, Mr.Raja, learned Standing Counsel appearing for the fifth respondent submitted that despite the fourth respondent is the member in the District Level Empowered Committee, the Insurance Company has not called to participate in any of the District Level Empowered Committee. Hence, there is no occasion for the fourth respondent to appraise the matter before getting recommendation from the second respondent.

7. In view of the above observation, this Writ Petition is **allowed** and the impugned order passed by the fourth respondent in Ref. 010600/CRS/B.



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175/152/2024 dated 04.04.2024 is set aside and the matter is remitted back to

the District Level Empowered Committee to consider the medical reimbursement claim made by the petitioner in accordance with the Scheme and make recommendations after making due consultation and also by giving an opportunity for the Insurance Company to participate in the District Level Empowered Committee and then, 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. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The District Collector,
Dindigul District,
Dindigul,
- 2.The Joint Director of Health Services,
Dindigul District, Dindigul.
- 3.The District Treasury Officer,
District Treasury,
Dindigul.
- 4.The United India Insurance Company,
134, Creams Road,
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5.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul-4.



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R.N.MANJULA, J.

TSG

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