



WP(MD) No.15766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15766 of 2024
and
W.M.P(MD)No.13729 of 2024

J.Stephen Kumar

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai-9.

2. The Commissioner of Treasuries and Accounts,
3rd Floor, Veterinary Hospital Campus,
No. 571, Anna Salai, Nandanam,
Chennai-600 035.

3. The District Level Empowered Committee,
Represented by its Chairman / District Collector,
Collectorate Campus,
Trichy District.



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4. The Divisional Manager,
United India Insurance Company,
Divisional Office VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai-6.

5. The District Educational Officer (Elementary),
O/o.The District Educational Officer,
Trichy,
Trichy District.

....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 pertaining to the Impugned Order in Rc.No. E-77775/NHIS-1/2023 dated 27.06.2024 on the file of the respondent no.2 and quash the same as illegal and consequently for a direction, directing the respondents to provide the difference of the medical reimbursement amount to the tune of Rs.3,71,551 /- (Three Lakh Seventy One Thousand Five Hundred and Fifty One Rupees) along with proportionate interest for the belated payment to the petitioner in



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pursuance to the decision of the 3rd respondent Committee in its Meeting convened on 20.11.2019.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.J.Ashok – for R1 to R3

Additional Government Pleader

Mr.A.Shajahan – for R4

Standing Counsel

Mr.T.Amjad Khan – for R5

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the Impugned Order in Rc.No. E-77775/NHIS-1/2023 dated 27.06.2024 on the file of the respondent no.2 and consequently directing the respondents to provide the difference of the medical reimbursement amount to the tune of Rs.3,71,551 /- (Three Lakh Seventy One Thousand Five Hundred and Fifty One Rupees) along with proportionate interest for the belated payment to the petitioner in pursuance to the decision of the 3rd respondent Committee in its Meeting convened on 20.11.2019.



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2. Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3, Mr.A.Shajahan, learned Standing Counsel appearing for the fourth respondent and Mr.T.Amjad Khan, learned Government Advocate appearing for the fifth respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner got admitted in Kovai Medical Centre and Hospital, Coimbatore, and had undergone a surgery from 02.02.2009 to 19.06.2009 by spending a sum of Rs.7,75,551/-. When the petitioner applied for medical reimbursement, the District Level Empowered Committee had recommended a sum of Rs.6,20,000/-. But the said recommendation of the District Level Empowered Committee was not implemented, but on the other hand, the fourth respondent had sanctioned only Rs.4,00,000/- by stating that it is the upper limit allowed in the Government Order in G.O.Ms.No.202, dated 13.06.2016.



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5. The learned counsel for the petitioner submitted that as per the Annexure-II A of G.O.Ms.No.202 dated 13.06.2016 the complex open heart surgery and implants through the treatment taken, the maximum limit would be Rs.7,50,000/- and not Rs.4,00,000/- alone.

6. The learned counsel for the fourth respondent submitted that the maximum limit available for the treatment taken by the petitioner comes under only Annexure-II and the maximum limit is Rs. 4,00,000/- alone.

7. The learned counsel for the fourth respondent submitted that the petitioner had undergone a surgery for fixing pacemaker implantation and not any complex open heart surgery implants. The District Level Committee has simply sent the papers but it has not stated any of the order about the nature of treatment undergone by the petitioner by distinguishing as to whether it falls under Annexure -II or IIA.

8. From the bills attached to the District Level Empowered



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Committee to the tune of Rs.6,20,000/- the petitioner claims that such amount has been recommended by the District Level Committee itself. Unless the District Level Empowered committee passes any speaking order as to how it arrive at the eligible amount and whether the treatment taken by the petitioner falls under Annexure – II or IIA, no meaning can be attached to the recommendation made by the District Level Empowered Committee.

9. So far as the fourth respondent is concerned, even if the claim is fit for recommendation, the scheme only prescribes a maximum limit of Rs.4,00,000/-.

10. In view of the ambiguity caused by the District Level Empowered Committee, without specifying the ratio of the treatment given by the petitioner and whether it falls under Annexure – II or IIA and the exact amount for which the recommendation has been made, I feel that the District Level Empowered committee to redo the exercise in this matter and make a detailed order.



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R.N.MANJULA, J.

RM

Order made in
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