



W.P.(MD)No.15957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15957 of 2024

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... Petitioner

Vs.

1.The State Level Empowered Committee,
New Health Insurance Scheme of Pensioners,
Principal Secretary/director,
Treasuries and Accounts,
Integrated Office Complex For Finance Department,
Nandanam, Chennai-600 035.

2.United India Insurance Company Ltd.,,
Divisional Office Vi,
5th Floor, Pla Rathna Towers,
212, Anna Salai,
Chennai-600 006.

3.Zonal Health Officer,
Government Primary Health Centre,
Kunnur, Watrap Block,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to decide the Petitioner's Appeal dated 03.06.2024 within the time stipulated by this Court.



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For Petitioner : Mr.S.Pon Senthil Kumaran
For R-1 & R-3 : Mr.S.Shanmugavel,
Additional Government Pleader
For R-2 : Mr.A.Shajahan,
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.Pon Senthil Kumaran, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for respondent Nos.1 and 3 and Mr.A.Shajahan, learned Standing Counsel appearing for the second respondent.

3. This Writ Petition has been filed seeking a direction to the first respondent to decide the Petitioner's Appeal dated 03.06.2024 within the time stipulated by this Court.

4. Mr.S.Pon Senthil Kumaran, learned counsel appearing for the petitioner submitted that despite the District Level Empowered Committee recommended for reimbursing the medical expenses incurred by the petitioner,



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the second respondent has rejected the same. The petitioner is said to be a beneficiary under the National Health Insurance Scheme of the State and he had claimed medical reimbursement for certain medical expenses incurred by him.

5. It is seen that on 26.08.2022, the Joint Director, Virudhunagar, has sent a communication stating that the District Level Empowered Committee had recommended to disburse the medical reimbursement to the petitioner. If the second respondent is aggrieved by the decision taken by the District Level Empowered Committee, he has to prefer an appeal before the State Level Empowered Committee. But the second respondent acted himself as an Appellate Authority and had chosen to reject the same. This had necessitated the petitioner to challenge the order of the second respondent before the State Level Empowered Committee. Even though there is no harm in directing the State Level Empowered Committee to consider the petitioner's application and pass orders, it is not appropriate on the part of the second respondent to exceed his authority and pass orders against the recommendation of the District Level Empowered Committee.

6. In view of the same, this Writ Petition is **allowed** and the recommendation rejected by the second respondent is set aside and the matter is



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remitted back to the file of the second respondent to consider the

recommendation of the District Level Empowered Committee and pass orders.

The second respondent is directed to disburse the medical reimbursement as recommended within a period of two weeks from the date of receipt of a copy of this order. No costs.

18.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The State Level Empowered Committee,
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R.N.MANJULA, J.

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