



WP(MD) No.17140 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17140 of 2022

M.Amudhasala

... Petitioner

Vs.

1.The Commissioner of Treasury and Accounts,
Integrated Finance Complex,
No.571, Annasalai, Chennai – 15.

2.The Joint Director of Medical and Rural Health Services,
Sivagangai.

3.The Authorized Person,
MD India Health Insurance
TPA Private Limited,
(United India Insurance Limited),
443, 445, Anna Salai,
Teyanapet, Chennai.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reimburse a sum of Rs.1,26,000/- with interest fixed by this Court from the date of application ie., 09.07.2021.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.M.Lingadurai

Special Government Pleader

for R.1 & R.2

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the respondents to reimburse a sum of Rs.1,26,000/- with interest fixed by this Court from the date of application ie., 09.07.2021.



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2. Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 and 2.

3. The medical reimbursement claim made by the petitioner was rejected for the reason that the hospital in which the petitioner had taken treatment does not come under the network hospital and it is a non-emergency treatment.

4. If the petitioner is aggrieved by the above order, he is entitled to file an appeal against the order of rejection passed by the District Level Empowering Committee. The petitioner's entitlement to prefer an appeal before the State level Empowering Committee has also been intimated to him by the third respondent.



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5. The only concern raised by the petitioner is that the application made by the petitioner has been returned by the State Level Officer vide order dated 27.10.2021 even before the petitioner's original application under the NHIS scheme has been considered by the first level authority.

6. The petitioner has sought a relief of a Writ of Mandamus, but in the interest of justice the relief needs to be moulded.

7. In view of the above stated reason, the order passed by the first respondent dated 27.10.2021 is set aside and the District Level Empowering Committee is directed to make appropriate recommendations, if it deems fit and forward it to the third respondent for reimbursement. The second respondent is directed to forward the relevant papers to the District Level Empowering Committee and on receipt of the same, the District



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Level Empowering Committee shall appraise the matter under the lens of the scheme and make due recommendation in order to enable the third respondent to pass appropriate orders for disbursement within a period of four weeks from the date of receipt of recommendation.

8. With the above direction, the Writ Petition stands **disposed of**. No costs.

04.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17140 of 2022

Dated:
04.06.2024