



W.P.(MD).No.16233 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).No.16233 of 2023**

**and**

**W.M.P.(MD)No.1064 of 2024**

K.S.Ramamoorthy

...Petitioner

Vs

- 1.The Principal Secretary to Government (Expenditures),  
Finance (Salaries) Department,  
Secretariat,  
Chennai – 600 009.
- 2.The United India Insurance Company Limited,  
Divisional Office VI,  
5<sup>th</sup> Floor, P.L.A.Rathna Towers,  
No: 212, Annasalai,  
Chennai – 600 006.
- 3.The District Level Empowered Committee,  
Represented by the District Collector,  
Virudhunagar District,  
Virudhunagar.
- 4.The Joint Director,  
Medical and Rural Health Services,  
Virudhunagar District,  
Virudhunagar.

... Respondents



W.P.(MD).No.16233 of 2023

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent to sanction medical reimbursement to the tune of Rs.5,47,407/- (Rupees Five Lakhs Forty Seven Thousand Four Hundred and Seven only) to the petitioner along with interest within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For R-1, R-3 : Mr.J.Ashok  
and R-4 Additional Government Pleader

For R-2 : Mr.A.Shajahan

### **ORDER**

Heard Mr.S.Balamurugan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 3 and 4 and Mr.A.Shajahan, learned Counsel for the 2<sup>nd</sup> respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the second respondent to sanction medical reimbursement to the tune of Rs.5,47,407/- (Rupees Five Lakhs Forty Seven Thousand Four Hundred and Seven only) to the petitioner along with interest.



W.P.(MD).No.16233 of 2023

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3. Mr.S.Balamurugan, learned counsel for the petitioner submitted that the petitioner was admitted for the treatment of Hernia at the Apollo Hospital, Madurai and incurred medical expenses for a total sum of Rs. 8,31,592/-. The petitioner made a claim for medical reimbursement under the Tamil Nadu New Health Insurance Scheme, whereas the second respondent has sanctioned only a sum of Rs.2,84,185/- and the remaining amount of Rs.5,47,407/- was not sanctioned. Hence, the petitioner approached this Court by way of filing this Writ Petition.

4. Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 3 and 4 submitted that the District Level Empowered Committee has made a recommendation to the second respondent to disburse the remaining amount of Rs.5,47,407/-. But the second respondent has not released the amount so far.

5. On perusal of the above recommendation alleged to have been issued by the District Level Empowered Committee dated 31.01.2023, it is seen that the signatures of all Committee Members are not found.



W.P.(MD).No.16233 of 2023

6. Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 3 and 4 submitted that the impugned order is only the communication sent by the Joint Director, about the decision taken by the District Level Empowered Committee. Even then, in the said communication, the recommendation made by the District Level Empowered Committee ought to have been made, in order to know as to what extent the District Level Empowered Committee have considered the claim of the claimants and to what extent, the claim was rejected and for what reasons.

7. Mr.A.Shajahan, learned Standing Counsel for the second respondent submitted that despite a comprehensive scheme has been devised for National Health Insurance Scheme and at every level, the scheme contemplates the responsible committee members, comprising of the members from the Revenue Department, Medical Department, Insurance Company and the Treasury Office, the meetings of the Committee are not convened in a proper manner by giving notice to all the members and a decision has also not taken by holding the consultation among themselves in accordance with the design of the scheme.



W.P.(MD).No.16233 of 2023

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8. If the Committee exists only as an empty formality and the recommendations are made without application of mind and without applying the guidelines of the scheme to the case brought before them, the claimants would be left with no other option except to run from pillar to post. Many communications are sent to the authorities and the individual does not even have the opportunity to get the copy of the orders. The individuals are not even informed whether they have got any appeal remedy and if so, to whom. If the Committee is contemplated under the scheme functions properly in accordance with the object of the scheme, that will reduce the number of cases filed for medical reimbursement before the Courts.

9. In the instant case also, the impugned communication does not state any reason or details as to what was the amount recommended and if so, on what basis and if any of the amount is rejected, and it is on what basis. Simply the amount of Rs.5,47,407/- claimed by the petitioner has been written in the annexure. When the beneficiary goes and knocks the doors of the second respondent Insurance Company, many times the Insurance Company rejected their claim stating that the District Level



W.P.(MD).No.16233 of 2023

Empowered Committee has simply forwarded their claim without working out the actual amount to which they are entitled to. So, in order to avoid such eventualities, I feel that it would be ideal for the District Level Empowered Committee in all seriousness to realise the object of the same.

10. With the above observations, I deem it fit to relegate the matter back to the District Level Empowered Committee and to make appropriate recommendations strictly in accordance with the scheme by making consultation among its members within a period of four weeks from the date of receipt of a copy of this order.

11. In view of the above stated reasons, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

**13.06.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



W.P.(MD).No.16233 of 2023

**To:**

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W.P.(MD).No.16233 of 2023

**R.N.MANJULA, J.**

Nsr

W.P.(MD).No.16233 of 2023

13.06.2024