



WP(MD) No.18613 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18613 of 2022

and

W.M.P(MD)Nos.13539 & 13540 of 2022

A.Rasya

... Petitioner

Vs.

1.State of Tamil Nadu,

Rep by its Principal Secretary,

Department of Health and Family Welfare,

Fort St.George,

Chennai-9.

2.The Secretary to the Government (Expenditure),

Finance Department,

Fort St.George, Chennai-9.

3.The Director of Treasuries and Accounts,

Treasuries and Accounts Building,

Banagal Building, No.1,

Jeenis Road, Saidapet, Chennai.



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4.The Joint Director of Medical and Health Services,
O/o.The Joint Director of Medical and Health Services,
District Head Quarters Hospital,
Ramanathapuram District.

5.The District Collector,
O/o.The District Collector,
Ramanathapuram District.

6.The Senior Divisional Manager,
United India Insurance Co. Ltd,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, 212 Anna Salai,
Chennai-06.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent No.6 dated 20.01.2021 and quash the same as illegal and consequently directing the respondents to reimburse the medical expenses to the sum of Rs.2,41,853/- (Two Lakh Forty One Thousand



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Eight Hundred and Fifty Three Rupees only) together with further interest under Medical Reimbursement Scheme within a period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.J.Ashok - for R.1 to R.5

Additional Government Pleader

: Mr.A.Shajahan – for R.6

ORDER

Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 5 and Mr.A.Shajahan, learned counsel appearing for the sixth respondent.

2. The petitioner is a Government servant who took treatment for Endometriotic Cyst Ovaries disease and incurred a sum of Rs.2,41,853/-. When he claimed the same before 6th respondent, the same was rejected stating that he had taken treatment in non-network hospital. Challenging the said rejection order, the petitioner has filed this writ petition.



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3. On a perusal of the order, dated 20.01.2021, it is seen that the order has been passed at the First Level ie., by the 6th respondent, against which, the petitioner did not file an appeal before the District Level Empowering Committee. Even the 6th respondent in his order, has not stated that the order has been challenged before the District Level Empowering Committee.

4. Even though the petitioner had cited certain judicial pronouncements in support of his claim stating that even he had taken treatment in any of the non-networking hospital, his claim may still be allowed. Since the petitioner has directly filed a writ petition without exhausting the appellate remedy available to him as per the scheme, the petitioner is at liberty to file an appeal before the District Level Empowering Committee.

5. In view of the above, the the Writ Petition stands **disposed of** and the petitioner is at liberty to file an appeal before the District Level Empowering Committee by raising all these points and also by citing the earlier judicial pronouncements before the District



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Level Empowering Committee within a period of two weeks from the date of receipt of a copy of this order. If the petitioner files an appeal before the District Level Empowering Committee, the District Level Empowering Committee shall receive the same and pass orders considering the merits of the petitioner's claim in accordance with the orders given and the judicial pronouncements already cited in this regard within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.06.2024

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

RM



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R.N.MANJULA, J.

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(3/4)

Dated:
12.06.2024