



WP(MD) No.18611 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.18611 of 2022

and

W.M.P(MD)Nos.13541 & 13542 of 2022

K.Rajendran

... 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,
Thoothukudi District.

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

...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.4 dated 18.10.2019 in O.Mu.No.4801/Ka4/2019 and quash the same as illegal and consequently directing the respondents to reimburse the medical expenses to the tune of Rs.4,00,014/- (Four Lakh Fourteen Rupees only) as on 06.02.2021 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



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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.

2. The petitioner is a Government servant who took treatment for brain cancer and incurred a sum of Rs.4,00,014/-. When he claimed the same before 4th 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.

3. On a perusal of the order, dated 18.10.2019, it is seen that the order has been passed at the First Level ie., by the 4th respondent, against which, the petitioner did not file any appeal before the District Level Empowering Committee. Eventhough the order has been passed by the 4th respondent, but it is the first level rejection only.



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4. The petitioner had cited certain judicial pronouncements in support of his claim that even if he had taken treatment in any of the non-networking hospital, his claim can 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 contentions and also by citing the earlier judicial pronouncements before the District 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



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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.

RM

Order made in
W.P.(MD)No.18611 of 2022
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Dated:
12.06.2024