



WP(MD). No.20849 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/06/2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**WP(MD). No.20849 of 2022 and
WMP(MD) No.15699 of 2023**

Muthuramakrishna Kannappan.D

... Petitioner

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009..

2. The Joint Director of Medical,
And Rural Health Services Department
Thoothukudi Thoothukudi District..

3. The District Treasury Officer,
Thoothukudi, Thoothukudi District..

4. Director of Pension,
259, Anna Salai, Dms Campus,
Chennai 600 006.

5. The Divisional Manager,
M/s.United India Insurance Company Ltd.,
Divisional Office, 212, Anna Salai
Chennai.

... Respondents

For Petitioner : M/s Murali.R,



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For Respondents : Mr.M.Lingadurai
for R1 to R4
Special Government Pleader
Mr.C.Karthick for R5

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus by calling the proceedings of the 3rd respondent dated 13.05.2022 made in Na.Ka.No.05/2022/N2 and quash the same and directed the respondents to re-imburse the medical expenses of the deceased petitioners husband Rajamani Bearing Pension Payment no.A907323/HET to the tune of Rs. 1,32,564/-.

ORDER

The writ petition has been filed challenging the order of the 3rd respondent dated 13.05.2022 and for a consequential direction to the respondents to reimburse the medical expenses of the deceased petitioners husband Rajamani Bearing Pension Payment no.A907323/HET to the tune of Rs.1,32,564/-.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 4 and the learned counsel for the 5th respondent.

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3. The petitioner is aggrieved due to the reduction of his medical reimbursement due to the treatment taken at a non networking hospital and the line of management is not covered under the scheme. She has claimed medical reimbursement for the treatment given to her husband. In fact the petitioner's husband died on 30.07.2020. She incurred a sum of Rs.1,32,564/- and for which she claimed medical reimbursement by enclosing necessary bills. However, the claim has been rejected, against which, the petitioner is before this Court.

4. It is the case of the petitioner that despite the District Level Committee has recommended the claim of the petitioner, the insurance company has rejected stating that the treatment has been taken in a non networking hospital, the line of management is not covered and as per G.O.Ms.No.222 dated 30.06.2018, the petitioner is not entitled for such reimbursement.

5. If the insurance company does not agree with the recommendation of the District Level Committee, the next course of action open to the insurance company is to file an appeal to the State



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Level Committee. Instead of filing an appeal, the insurance company has chosen to return the claim by assigning its own reasons superseding the reasons assigned by the District Level Empowered Committee.

6. In view of the erroneous procedure adopted by the petitioner, the order itself is illegal and hence, the same is liable to be set aside.

7. Accordingly, the writ petition is allowed and the order of the 3rd respondent dated 13.05.2022 is set aside and the insurance company is directed to reimburse the claim made by the petitioner in accordance with the recommendation made by the District Level Committee. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous petition is closed.

04.06.2024

NCC : Yes/No
Index : Yes/No

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