



WP(MD) No.20596 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.20596 of 2022

P.Emmanuvel Raja

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai.
- 2.The Additional Director of Medical and Rural Health Services,
Office of the Director of Medical and Rural Health Services,
Chennai – 600 006.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.



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4.The Joint Director of Health Services,
Tirunelveli at Tenkasi,
Tenkasi District.

5.The General Manager,
United India Insurance Company,
MD India Health Services (TPA) Private Limited,
No.27, Lakshmi Towers,
3rd Floor, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

... 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 relating to the impugned order of the fourth respondent passed in his proceedings A.Thi.Mu.No.862/Ka2/2021-2 dated 29.03.2022 and quash the same as illegal, consequently, direct the respondents 1 to 5 to reimburse the medical expenses of Rs.1,05,699/- incurred by the petitioner towards his mother's treatment for Ortho Surgery.



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For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.S.Shanmugavel – for R.1 to R.4
Additional Government Pleader
Mr.C.Karthik – for R.5

ORDER

Heard Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.C.Karthik, learned counsel for the fifth respondent.

2. The petitioner, who made medical reimbursement for his mother's treatment to the tune of Rs.1,05,699/-, has filed this writ petition, in view of the order passed by the fourth respondent, dated 29.03.2022, rejecting the claim of the petitioner that the hospital in which, the petitioner's mother had taken treatment is a non-network hospital and the diagnosis in the line of management is not covered under the scheme.



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3. The learned counsel for the petitioner submitted that the petitioner's mother had suffered a fracture and it is an emergency treatment. In view of the same, the treatment has been taken at Shabna Hospital, Tenkasi and hence, the claim would come within the purview of the scheme.

4. Since the petitioner has not received the copy of the District Level Empowered Committee and all that the petitioner has been given with the communication sent by the fourth respondent, the petitioner is entitled to know the recommendations made by the District Level Empowered Committee, made in consultation between the committee members.

5. If the petitioner's mother had suffered a fracture and the petitioner had to admit her in a hospital for performing surgery, it is no doubt an emergency treatment because without doing the surgical treatment, the petitioner's mother would have been immobilized and



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would have excruciating pain in her legs.

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6. In view of the above, the order passed by the fourth respondent, dated 29.03.2022, is set aside and the Writ Petition is **allowed** by remitting the matter back to the District Level Empowered Committee to appraise the matter in the light of the above observation and make due recommendation in order to sanction the medical reimbursement made by the petitioner and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. No costs.

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



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R.N.MANJULA, J.

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