



WP(MD) No.18781of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18781of 2023

and

WMP(MD)No.15605 of 2023

P.Kasinathan

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Finance Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Joint Director of Medical Services,
Government Hospital,
Kumbakonam,
Thanjavur District.



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4.The District Treasury Officer,
O/o.the District Treasury,
Thanjavur District,
Thanjavur.

5.The Divisional Manager,
Uniter India Insurance Company Limited,
No.212, Anna Salai,
Chennai- 600 006.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned reply vide Ref. 237/2022-2023 dated 12.07.2023 issued by the 5th respondent herein and to quash the same as illegal and consequently directing the 5th respondent to ensure that the rightful medical claim of Rs.3,22,201/- is approved and reimburse remaining amount of Rs.1,92,701/- as per the proceedings of the 4th respondent in Na.Ka.No.16812/2014/I(1) dated 09.11.2021 along with penal interest as applicable under law.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R4



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:Mr.C.Karthick for R5

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned reply issued by the 5th respondent vide Ref.237/2022-2023 dated 12.07.2023 and for a consequential direction to the 5th respondent to reimburse the remaining amount of Rs.1,92,701/- as per the proceedings of the 4th respondent in Na.Ka.No.16812/2014/I(1) dated 09.11.2021 along with penal interest.

2. Heard Mrs.P.Kalaiayarasi Bharathi, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.C.Karthick, learned counsel for the 5th respondent.

3. The petitioner has challenged the impugned reply of the 5th respondent dated 12.07.2023 wherein it is stated that the petitioner's claim is restricted to Rs.1,29,500/-. The whole of the claim for medical reimbursement made by the petitioner is to the tune of Rs.4,20,000/-.



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4. The learned counsel for the petitioner submitted that the District Level Empowered Committee has recommended the reimbursement to the tune of Rs.3,22,201/-. But the 5th respondent did not release the reimbursement as per the recommendation. Admittedly the petitioner has not preferred any appeal to the recommendation made by the District Level Empowered Committee. Further, it is not confirmed whether the 5th respondent has filed any appeal to the appellate authority.

5. Hence, the 5th respondent has to comply the recommendation of the District Level Empowered Committee and settle the amount of Rs.3,22,201/- instead of limiting the claim to Rs.1,29,500/-. When the District Level Empowered Committee has made its recommendation, the 5th respondent cannot alter its recommendation by assuming the powers of the appellate authority.

6. In view of the same, the impugned reply vide Ref. 237/2022-2023 dated 12.07.2023 issued by the 5th respondent is set aside and the 5th respondent is directed to settle the medical



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reimbursement to the petitioner as recommended by the District Level Empowered Committee to the tune of Rs.3,22,201/- within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

Index : Yes / No
NCC : Yes / No
PJI

To

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2.The District Collector,
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3 The Joint Director of Medical Services,
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R.N.MANJULA, J.

PJL

Order made in
W.P.(MD)No.18781 of 2023
and
WMP(MD)No.15605 of 2023

Dated:
05.06.2024