



WP(MD). No.23050 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD). No.23050 of 2022
and
WMP(MD). No.17160 of 2022

Sesu Thangam.

... Petitioner

Vs

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Joint Director,
Medical and Rural Health Services,
Nagercoil, Kanyakumari District.
3. The Treasury Officer,
District Treasury,
Nagercoil,
Kanyakumari District.
4. The Senior Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office - VI,
PLA Rethna Towers,
5th Floor, 212
Annasalai,
Chennai - 600 006.

... Respondents



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PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication, issued by the fourth respondent herein, dated 01.10.2021, along with the annexure therein and quash the same as illegal, in so far as the petitioner is concerned and consequently direct the respondents herein to reimburse the amount of Rs. 1,74,308/- (Rupees One Lakh Seventy Four Thousand Three Hundred and Eight only) being the medical expenditure incurred by the petitioner for the treatment undergone at Holy Cross Hospital, Nagercoil, Sri Ramachandra Hospital, Porur, Chennai in the light of the various Judgments made by this Court, along with interest at the rate of 9% per annum from 21.04.2021, being the date of recommendation made by the District Level Empowered Committee (DLEC).

For Petitioner : Mr.Kishore.C,

For R1 to R3 : Mr.M.Ramesh
Government Advocate

For R4 : Mr.C.Karthik

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the respondent No.4.



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2.The petitioner has filed this writ petition challenging the order of the 4th respondent on the ground that the 4th respondent rejected the claim of the petitioner despite the District Level Empowered Committee, after approving the claim of the petitioner, has made recommendation to the 4th respondent to approve the claim of the petitioner.

3. The petitioner is a retired Government servant and a beneficiary under the NHIS 2014. Due to his illness, she took treatment in the networking hospital by incurring a sum of Rs.1,74,308/-. Since the petitioner is a beneficiary under the New Health Insurance Scheme, he has claimed medical reimbursement before the respondents. However, the same was rejected and hence, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that though the District Level Empowering Committee has recommended the case of the petitioner, the 4th respondent has rejected the claim.

4.The reason assigned by the 4th respondent for rejecting the claim is that the line of treatment is not an emergent one. It has been observed



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in umpteen number of cases that the respondents cannot sit overlooking the recommendation of the District Level Empowered Committee and pass an order of this nature.

4. In view of the same, the writ petition stands disposed of and the impugned order of the 4th respondent is set aside. The 4th respondent shall consider the claim of the petitioner and pass orders 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

RR

To

1. The District Collector,
Nagercoil, Kanyakumari District.

2. The Joint Director,
Medical and Rural Health Services,
Nagercoil, Kanyakumari District.

3. The Treasury Officer,
District Treasury, Nagercoil,
Kanyakumari District.

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R.N.MANJULA, J.

RR

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