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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.23076 of 2024

Muthian

... Petitioner

Vs

1.The Treasury Officer,
Sub Treasury,
Periyakulam,
Theni District.

2.The United India Corporation Limited,
Represented by its Divisional Manager,
Divisional Office IV,
PLA Rathna Towers, 5th Floor,
212, Anna Salai,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 1st respondent in Na.Ka.No. 231/2022/A58, dated 25.03.2022 and quash the same as illegal and direct the Respondents to reimburse the Medical expenditures to the tune of Rs.2,34,619/- which was borne by the Petitioner based on the Medical Documents produced before the Respondents and pass such further or other orders as this Court.



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For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1
Mr.C.Karthik
Standing Counsel for R2

ORDER

The instant writ petition has been filed by a retired State Government Employee, challenging the order passed by the first respondent herein on 25.03.2022, wherein the petitioner has been directed to approach the State Level Empowered Committee for filing an appeal as against the order of the Insurance Company for rejecting the claim made by the petitioner.

2.The petitioner is a pensioner and he met with an accident on 21.02.2021. He was admitted to a Government Hospital, Theni and thereafter, for further treatment, he was admitted to a private hospital in Madurai on the same day. He underwent an operation and was discharged on 06.03.2021.

3.Since the petitioner has taken treatment in a non network hospital, the petitioner has made representation to the first respondent along with all the medical bills seeking reimbursement of medical expenses. The application was returned by the second respondent stating that the diagnosis is not an emergency



and therefore, the petitioner should have taken treatment only in a network hospital.

4.From the order impugned in the writ petition, it could be seen that in view of the rejection order passed by the Insurance Company, the issue was taken up before the District Level Empowered Committee constituted under G.O.Ms.No.204, Finance(H1) Department, dated 30.06.2022, The District Level Empowered Committee has recommended the case of the writ petitioner to the second respondent herein for reimbursement. However, even, thereafter, the second respondent Insurance Company has rejected the claim made by the writ petitioner. Under the impugned order dated 25.03.2022, the first respondent herein has directed the writ petitioner to file an appeal before the State Level Empowered committee. This order is under challenge in the present writ petition.

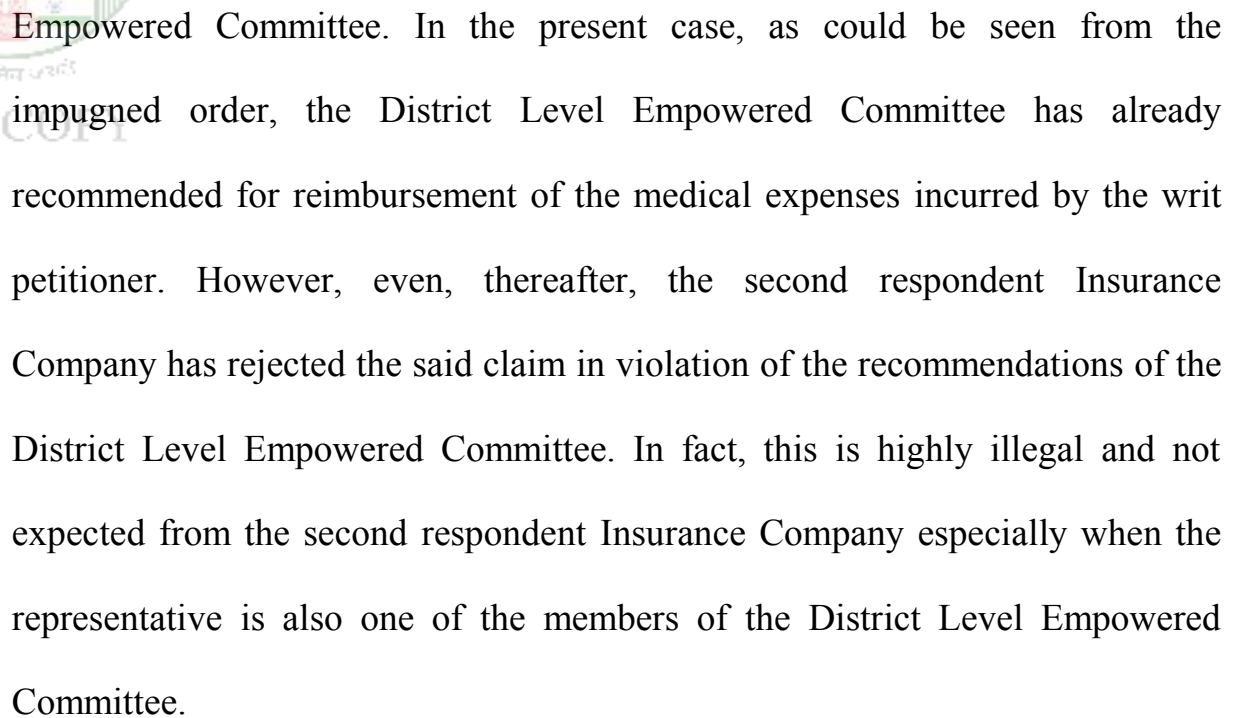
5.According to the learned Counsel appearing for the writ petitioner, when the District Level Empowered Committee had already passed orders in favour of the claim made by the writ petitioner, the question of filing an appeal before the State Level Empowered Committee would not arise. In fact, one of the representatives of the Insurance Company is also a member of the District



Level Empowered Committee. Hence, he prayed for setting aside the order passed by the first respondent and for a direction to the second respondent to reimburse the eligible medical claim amount.

6.A perusal of G.O.Ms.No.204, Finance(H1) Department, dated 30.06.2022 reveals that in all the cases, where grievances are expressed by the claimant with regard to reimbursement of payment made to a network hospital or to a non-network hospital, the grievance redressal mechanism has been enunciated under clause 15 of the above said Government order. A perusal of the said Government order further reveals that the claimant has to approach the grievance redressal officer(Joint Director of Medical Services of the concerned District) and in turn, he has to recommend the case to the District Level Empowered Committee to the effect that whether the claimant got admitted to a non network hospital in case of emergency or not. Thereafter, the District Level Empowered Committee has to consider the claim of the petitioner and thereafter, forward the same to the Insurance Company for reimbursement of the amount. Only if an adverse order is passed as against the claimant, the question of approaching the State Level Empowered Committee would arise.

7.It could be seen from the said Government order, the representative of the Insurance Company is also one of the members of the District Level



8. In view of the above said facts, the order impugned in the writ petition is hereby set aside and the second respondent is directed to comply with the orders of the District Level Empowered Committee within a period of four weeks from the date of receipt of a copy of this order.

9. With the above said observations, this writ petition stands allowed. No costs.

17.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

Note: Issue order copy on 18.10.2024



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To

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Sub Treasury,
Periyakulam,
Theni District.

2.The Divisional Manager,
The United India Corporation Limited,
Divisional Office IV,
PLA Rathna Towers, 5th Floor,
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R.VIJAYAKUMAR, J.

RJR

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