



W.P.(MD)No.19738 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19738 of 2018

and

W.M.P.(MD)No.17525 of 2018

C.Merlin Charles

: Petitioner

Vs.

- 1.The Secretary to Government,
Finance (Salaries) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The State Level Empowered Committee,
Rep. by Director of Treasuries & Accounts,
Chennai.
- 3.The District Level Empowered Committee,
Rep. by District Collector,
Sivagangai District.
- 4.The Joint Director of Medical & Rural Health Services,
Sivagangai District.



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5.The District Treasury Officer,
Sivagangai.

6.The United India Insurance Ltd.,
“Cilingi Building”,
No.134, Greams Road,
Chennai – 600 006.

7.The United India Insurance Ltd.,
Anna Salai,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 7th respondent dated 01.08.2018, quash the same and consequently direct the respondents herein to reimburse the medical claim of Rs.1,40,067/- to the petitioner together with interest at the rate of 7.5% p.a. thereon covered by the medical records and medical bills within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.R.Shiva Shankari

For Respondents 1 to 5 : Mrs.D.Farjana Ghoushia

Additional Government Pleader

For Respondents 6 & 7 : Mr.C.Karthick

Standing Counsel



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ORDER

This Writ Petition has been filed challenging the impugned order of the seventh respondent dated 01.08.2018 rejecting the petitioner's request for reimbursement of the medical claim of Rs.1,40,067/- together with interest at the rate of 7.5% p.a. on the ground that the cashless hospitalization has to be denied for the petitioner as the illness of his son is not covered under the Insurance Policy.

2.Learned Standing Counsel for the respondents would submit that if aggrieved by the Health Insurance Scheme introduced vide G.O.(Ms).No.202, Finance (Salaries) Department dated 30.06.2016, the petitioner will have to file an appeal before the District Level Empowered Committee and therefore, the present Writ Petition is not maintainable.

3.Learned Counsel for the petitioner would submit that liberty may be granted to the petitioner to approach the District Level Empowered Committee as per the Health Insurance Scheme introduced vide G.O.(Ms).No.202, Finance (Salaries) Department dated 30.06.2016, referred to supra.



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4.No prejudice will be caused to any of the parties if such a liberty is granted to the petitioner.

5.For the foregoing reasons, this Writ Petition is disposed of by granting liberty to the petitioner to file an appeal before the third respondent within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to pass final orders on merits and in accordance with law within a period of six [6] weeks thereafter.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE, J.

MR

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