



WP(MD). No.25052 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/06/2024

CORAM

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

WP(MD). No.25052 of 2022

Santhi. S

... Petitioner

Vs

1. The District Collector,
Madurai District..

2. The Joint Director of Health,
And Welfare, Madurai District..

3. The Commisisoner of Treasuries
and Accounts, Amma Complex, 3rd
Floor, No.571, Nandanam, Anna Salai,
Chennai- 600 035..

4. The Divisional Manager,
United India Insurance Company,
Divisional Office Vi, 5th Floor,
Pla Ratna Tower, 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 relating to impugned order of 3rd respondent in



WP(MD). No.25052 of 2022

Rc.No. 20932/NHIS-3/2021 Dated 30.11.2021 referring to the decision of 4th respondent rejecting the medical reimbursement of petitioner as Non critical Condition and Treatment taken in Network Hospital quash the same and consequently direct the respondents herein to reimburse the medical claim of Rs. 3,69,380/- together with interest at the rate of 7.5 percent p.a thereon to the covered by the medical records and medical bills within a reasonable time as may be fixed by this Court

For Petitioner : M/s. Appadurai. K,
For Respondents : Mr.M.Lingadurai for R1 to R3
Special Government Pleader
Mr.C.Karthick for R4

ORDER

This writ petition has been filed challenging the impugned order of the third respondent dated 30.11.2021 referring to the decision of 4th respondent rejecting the medical reimbursement of petitioner as Non critical Condition and Treatment taken in Network Hospital and consequently direct the respondents herein to reimburse the medical claim of Rs.3,69,380/- together with interest at the rate of 7.5 percent p.a thereon to the covered by the medical records and medical bills within a reasonable time as may be fixed by this Court.



WP(MD). No.25052 of 2022

2. The petitioner, who is a retired State Government employee, is the beneficiary under the NHIS. Her husband took treatment at Devadoss Hospital for COVID-19, by incurring a sum of Rs.3,69,380/-. When the petitioner approached the respondents for medical reimbursement, the same has been rejected stating that the treatment was non critical, which was taken in a non networking hospital and the line of treatment is not an emergent one. Challenging the same, the petitioner is before this court.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned standing counsel for the 4th respondent.

4. It is stated that the petitioner is not entitled for reimbursement for the reason that the treatment was taken at non networking hospital; the treatment is not an emergent one and the line of treatment is not covered under the scheme. The petitioner has approached only the respondents and the petitioner has got an appeal remedy before the District Level Committee.



WP(MD). No.25052 of 2022

5. Without resorting to the appeal course of action, the petitioner has directly filed this writ petition and hence, the writ petition is not maintainable. However, the petitioner is at liberty to file an appeal remedy before the District Level Empowering Committee within a period of two weeks from the date of receipt of a copy of this order and work out his remedy.

5. With the above direction, the writ petition is **disposed of**. No costs.

04.06.2024

RR

TO1. The District Collector,
Madurai District..

2. The Joint Director of Health,
And Welfare, Madurai District..

3. The Commisisoner of Treasuries
and Accounts, Amma Complex, 3rd
Floor, No.571, Nandanam, Anna Salai,
Chennai- 600 035..



WEB COPY



WP(MD). No.25052 of 2022

R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.25052 of 2022**

Date : 04/06/2024