



WP(MD) No.25820 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.25820 of 2022

and

W.M.P(MD)Nos.19953 of 2022 & 18785 of 2023

K.Alagachi @ Vetrivelmurugan

... Petitioner

Vs.

1.The Government of Tamil Nadu,

Rep by its Secretary,

Finance (Salaries Department),

Secretariat, Fort St. George,

Chennai - 600 009.

2.The District Level Empowered Committee (DLEC),

Rep. by the District Collector,

1st Floor, New Building,

Collectorate Campus,

Madurai District.



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3.The General Manager

United India Insurance Co. Ltd.,
Clingy Building,
No.134, Creams Road,
Chennai – 600 006.

4.The Divisional Manager

United India Insurance Co. Ltd.,
Divisional Office,
VI PLA Rathinam Towers,
5th Floor, No.212, Anna Salai,
Chennai - 600 006.

5.The District Treasury Officer

Office at District Collector Campus,
Madurai - 625 020.

6.The Joint Director of Medical and Health Services,

District TB Centre,
Vallan Salai,
Usilampatti,
Madurai District



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7.The Joint Commissioner

Arulmigu Meenakshiamman Temple,

HR and CE Department,

Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order passed by the 2nd respondent vide his proceedings Na.Ka.E5/11212/2022, dated 04.08.2022 and to quash the same as illegal and consequently direct the respondents to reimburse the medical expenses for a sum of Rs.1,46,148/- incurred by the petitioner for taking medical treatment at Venkateswara Hospital at Shenoy Nagar along with its interests and disburse the same.

For Petitioner : Mr.P.Sureshkumar

For Respondents : Mr.J.Ashok – for R1, R2 & R5

Additional Government Pleader

Mr.C.Karthick – for R3 & R4

Standing Counsel



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ORDER

The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order passed by the 2nd respondent vide his proceedings Na.Ka.E5/11212/2022, dated 04.08.2022 and to quash the same as illegal and consequently direct the respondents to reimburse the medical expenses for a sum of Rs.1,46,148/- incurred by the petitioner for taking medical treatment at Venkateswara Hospital at Shenoy Nagar along with its interests and disburse the same.

2. Heard Mr.P.Sureshkumar, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 2 and 5 and Mr.C.Karthick, learned Standing Counsel for the respondents 3 and 4.



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3. The petitioner seeks for medical reimbursement which was rejected by the District Level Committee itself for the reason that the hospital in which the petitioner has taken treatment is fall under non-network hospital.

4. The learned Additional Government Pleader submitted that the treatment is not only taken in non-network hospital, but it is also an unapproved treatment and the same was not covered under the scheme and it is further submitted that the petitioner has been reimbursed under Tamil Nadu Medical Service Attendance Rules.

5. Since the petitioner has approached the District Level Committee and the District Level Committee also did not consider the claim made by the petitioner, it is open to the petitioner to file an application before the State Level Empowering Committee under Tamil Nadu Medical Service Attendance Rules.



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6. In view of the above, this Writ petition is **disposed of** with liberty to the petitioner to file an appeal before the State Level Empowering Committee within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Director of Medical Health Department/State Level Empowering Committee shall consider the same and pass appropriate orders within a period of eight weeks thereafter, either by making due recommendation under the Tamil Nadu Health Insurance Scheme or by passing appropriate orders under Tamil Nadu Medical Attendance Rules. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2024

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

RM



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- 1.The Secretary,
Government of Tamil Nadu,
Finance (Salaries Department),
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
District Level Empowered Committee (DLEC),
1st Floor, New Building,
Collectorate Campus,
Madurai District.
- 3.The District Treasury Officer
Office at District Collector Campus,
Madurai - 625 020.
- 4.The Joint Director of Medical and Health Services,
District TB Centre,
Vallan Salai,
Usilampatti,
Madurai District.
- 5.The Joint Commissioner
Arulmigu Meenakshiamman Temple,
HR and CE Department,
Madurai.
- 6.The Director of Medical Health Department/
State Level Empowering Committee
Chennai.



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R.N.MANJULA, J.

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Order made in
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