



W.P.(MD).No.31284 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.31284 of 2023

and

W.M.P.(MD)No.26823 of 2023

D.Kokila

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Through its Principal Secretary,
Finance (Salaries) Department,
St.George Fort, Chennai.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Joint Director,
Office of the Joint Director of Medical and
Rural Health Services and Family Welfare,
Ramanathapuram.
- 4.The District Treasury Officer,
Ramanathapuram District,
Ramanathapuram.



W.P.(MD).No.31284 of 2023

WEB COPY

5.The Managing Director,
India Health Care Services (TPA) Private Limited,
(Unit of United India Insurance Company Limited),
No.27, Lakshmi Tower, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the second respondent made in Na.Ka.H.2/26187/2014, dated 17.08.2016 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to reimburse the medical expenses as incurred by the petitioner according to the medical bill.

For Petitioner : Mr.R.Suriya Narayanan

For R-1 to R-4 : Mr.J.Ashok
Additional Government Pleader

For R-5 : Mr.C.Karthik

ORDER

Heard Mr.R.Suriya Narayanan, learned counsel for the petitioner,
Mr.J.Ashok, learned Additional Government Pleader for the respondents
1 to 4 and Mr.C.Karthik, learned counsel for the 5th respondent.



W.P.(MD).No.31284 of 2023

WEB COPY

2. This Writ Petition has been filed seeking to quash the order dated 17.08.2016 passed by the second respondent and consequently direct the respondents to reimburse the medical expenses as incurred by the petitioner according to the medical bill.

3. Mr.R.Suriya Narayanan, learned counsel for the petitioner submitted that the petitioner's claim for medical reimbursement has been rejected by the District Level Empowered Committee on the ground that the hospital is not a recognized and non-network hospital and the line of Management was also not covered under the scheme.

4. Mr.C.Karthik, learned counsel for the 5th respondent submitted that the petition itself is affected by delay and laches in view of the fact that the petitioner had chosen to challenge the order dated 17.08.2016 after the lapses of nearly 7 years.

5. The petitioner who has been sleeping for 7 years has chosen to challenge the order at a remote point of time. However, the respondents shall consider the claim of the petitioner if not covered under the



W.P.(MD).No.31284 of 2023

National Health Insurance Scheme, whether the reimbursement be granted under the Medical Attendant Rules.

6. In view of the same, the third respondent herein is directed to consider the claim of the petitioner under Medical Attendant Rules and release the amount eligible to the petitioner and pass orders in this regard within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.31284 of 2023

To:

WEB COPY

1. The Principal Secretary,
The Government of Tamil Nadu,
Finance (Salaries) Department,
St. George Fort, Chennai.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Joint Director,
Office of the Joint Director of Medical and
Rural Health Services and Family Welfare,
Ramanathapuram.
4. The District Treasury Officer,
Ramanathapuram District,
Ramanathapuram.
5. The Managing Director,
India Health Care Services (TPA) Private Limited,
(Unit of United India Insurance Company Limited),
No.27, Lakshmi Tower, 3rd Floor,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 4.



WEB COPY



W.P.(MD).No.31284 of 2023

R.N.MANJULA, J.

Nsr

W.P.(MD).No.31284 of 2023

13.06.2024