



WP No.12445 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23-06-2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 12445 of 2012

J.Mohanraj
S/o.Jogi,
No.6/24 B, Kiz Annaiyeti,
Kannerimuku Post,
Kotheri, Nilgiris District.

Petitioner(s)

Vs

1. The Senior General Manager
Star Health and Allied Insurance
Company Ltd.,
Tamil Nadu Government Employees,
New Health Insurance Scheme,
New No.2A, Ganga Nagar Salai,
Opposite to BSNL Office,
Kodambakkam, Chennai 600 024.

2.The Special Secretary to Govt.
Finance (Salaries) Department,
Fort St. George, Chennai 600 009.



3.The Director of Medical and
Rural Health Services Department,
Chennai 600 006

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(R2 and R3 are impleaded as per Order
dated 02.07.2012 in M.P.No.1/12 in
W.P.No.12445/12)

4.The Commissioner of Treasuries and
Accounts,
O/o. The Commissioner of Treasuries
and Accounts,
Nandanam, Chennai 600035.

(R4 Suo Motu impleaded vide order
dated 23.06.2023 made in WP.12445 of
2012)

Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in Ref.File.No.R-3973 ID Card No.NL/01/SB415/1523735 dated 14.02.2012 passed by the respondent herein and quash the same and consequently direct the respondent herein and quash the same and consequently direct the respondent to pay Medical re-imburement of Rs.6,78,000/- as per Star Health and Allied Insurance Company Ltd., Tamil Nadu Government Employees, New Health Insurance Scheme admissible to the petitioner.

For Petitioner(s): Mr.S.Ilamvaludhi

For Respondent(s): Mr.S.Udaya Kumar

For R1

Mr.E.Sundaram

Government Advocate for R2 to
R4



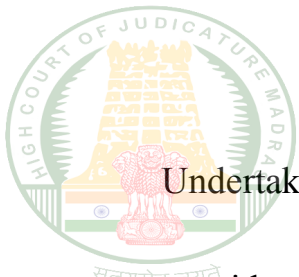
ORDER

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The present writ petition has been filed aggrieved by the proceedings issued in Ref.File.No.R-3973 ID Card No.NL/01/SB415/1523735 dated 14.02.2012, wherein the claim made by the petitioner, for medical reimbursement of sum of Rs.6,78,000/-, was rejected by the first respondent.

2. From the material on record, it appears that the petitioner has made the said claim for reimbursement of the expenditure incurred for his wife at PSG Hospital, Coimbatore, in terms of scheme introduced by the respondent/State in G.O.Ms.No.174, Finance (Salaries) Department dated 28.04.2008. The claim of the petitioner was negatived on the ground that the diseases, for which the wife of the petitioner took treatment at PSG Hospital, Coimbatore, is not covered under the scheme in question.

3. A perusal of the orders issued in G.O.Ms.No.174, Finance (Salaries) Department dated 28.04.2008, whereby the New Health Insurance Scheme for employees of the Government Departments, Local Bodies, Public Sector



Undertakings, Statutory Bodies and State Government Universities shows that it

provides for a redressal mechanism of any grievance. The relevant paragraph

from the Annexure I of the Implementation Procedure for New Health Insurance

Scheme, reads as under:

12. Any complaint about any difficulty in availing treatments, non-availability of facilities, bogus availment of treatment for ineligible individuals, etc., shall be submitted to the Joint Director of the Medical and Rural Health Services Department at the District Head Quarters.

13. The complaints received shall be placed for a decision of the District Level Empowered Committee headed by the District Collector, having the Joint Director of Medical and Rural Health Services Department and the District Treasury Officer as members.

14. An appeal against the decision of the District level Empowered Committee may be preferred to the State Level Empowered Committee headed by the Director of Treasuries and Accounts and having the Director of Medical and Rural Health Services as Member Secretary and an Official representative nominated by the Insurance Company as members.

15. The appeals shall be filed with the Director of Medical and Rural Health Services, the Member Secretary of the State Level Committee who shall place the appeals for a decision of the said Committee.

16. Any dispute arising out of the Implementation of the Scheme which remain unresolved at the State Level Empowered Committee shall be referred within fifteen days of award of State Level Empowered Committee to a High Level Committee, comprising of the Secretary to Government, Finance (Salaries) Department, Secretary to Government, Health and Family Welfare Department and the Representative



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of the Insurance Company nominated for the purpose."

17. The Civil Courts situated in Chennai shall have exclusive jurisdiction over any dispute, which remain unresolved by the above procedure and nothing aforesaid, shall prejudice the rights of the Government of Tamil Nadu to approach any other forum for dispute resolutions permissible under Law.

4. In the light of the above mechanism that is provided in the Scheme itself, the petitioner ought have approached the District Level Empowered Committee headed by the District Collector concerned in case he is aggrieved by the impugned order dated 14.02.2012 passed by the first respondent. But instead of availing the said remedy, the petitioner has approached straight away to this Court by filing the present Writ Petition.

5. The dispute that arise in the present case, involves the factual disputes, which cannot be gone into by this Court under Article 226 of the Constitution of India. In the circumstances, the writ petition is disposed of, permitting the petitioner to raise the dispute before the District Level Empowered Committee as provided in paragraph No.13 of Annexure 1 appended to G.O.Ms.No.174, Finance (Salaries) Department dated 28.04.2008, within a period of six (6)



weeks from the date of receipt of a copy of this order. If any such dispute is

raised by the petitioner herein, within the time stipulated above, the District

Level Committee headed by the District Collector shall immediately take

appropriate action and dispose of the same as expeditiously as possible,

preferably within a period of three (3) months from the date of filing the

complaint/grievance by the petitioner by duly putting the petitioner as well as

the first respondent on notice. Petitioner is granted liberty to communicate this

order to the District Collector concerned. No costs.

23-06-2025

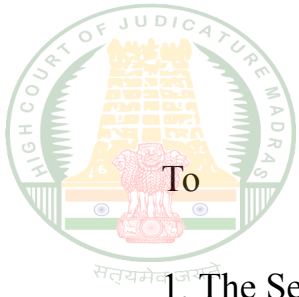
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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