



W.P No.9736 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.9736 of 2025

and

Writ Miscellaneous Petition No.10917 of 2025

Ganapathy Asari

... Petitioner

..Vs..

1.The Government of Tamil Nadu,
By its Secretary,
Finance Department,
Chennai 600009.

2.The District Collector,
District Level Empowered Committee,
Government Employees Medical Insurance Scheme,
Kanyakumari.

3.The Joint Director of Medical and Rural Health Services,
Member Secretary,
District Level Empowered Committee,
Kanyakumari.

4.The District Treasury Officer,
District Treasury Office, Nagercoil.

5. United India Insurance Company Limited,



W.P No.9736 of 2025

LBO, 010600, Silligni Buildings,
134, Greams Road, Chennai – 600006.

... Respondents

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records of the 5th respondent Reference No.010600/MA/CRS-405/4/2024 dated 16.12.2024 and quash the same as illegal direct the respondents to pay the medical reimbursement amount of Rs.1,21,770/- to the petitioner with interest of 12% from the date of filing this Writ Petition to date of realization within stipulated time.

For Petitioner : Mr.M.Sridhar

For Respondents : Mr.M.Azizullah Khan,
Government Advocate for RR1 & 4

Mr.N.Naveen Kumar,
Government Advocate for R2

Mr.K.Tippu Sultan,
Government Advocate for R3

ORDER

The present writ petition has been filed with a prayer to quash the impugned proceedings in Reference No.010600/MA/CRS-405/4/2024 dated 16.12.2024 passed by the 5th respondent.



W.P No.9736 of 2025

WEB.COM

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner was appointed as a Teacher during November 1970 and thereafter, retired from service on superannuation on 31.07.2002 as the Head Master of Kallankuzhi Government Primary School. The petitioner has underwent treatment at Ananthapuri Hospitals and Research Institute in Thiruvananthapuram. When the petitioner sent an application for reimbursement of medical expenditure, the same was reneged by quoting G.O.Ms.No.222, dated 30.06.2018.

3. At this juncture, the learned Government Advocate appearing on behalf of the respondents would invite the attention of this Court about the order passed by the learned Single Judge in the batch of writ petitions in W.P.(MD).No.13429 of 2013 etc., batch dated 28.05.2019, wherein, the learned Single Judge after elaborately analyzing the length and breadth of the issue has ultimately called out the principles to be followed. For ready reference Para 80 of the Judgment is extracted hereunder:

“80. In order to reconsider all these claim made by the



WEB COPY



W.P No.9736 of 2025

respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.

(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

(iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.

(v) If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

(vi) Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.

(vii) On receipt of such orders / recommendation from



WEB COPY



W.P No.9736 of 2025

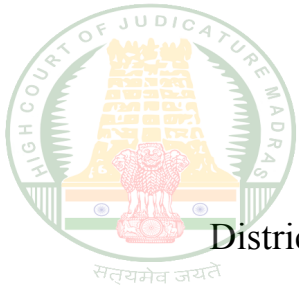
the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee.”

4. I have given my anxious consideration on either side submission.

5. In view of the order of the learned Single Judge of this Court in W.P.(MD).No.13429 of 2013 etc., batch dated 28.05.2019, the impugned order dated 16.12.2024 is liable to be quashed.

6. In the result, the writ petition is allowed. The impugned order dated 16.12.2024 is quashed. The matter is remitted back to the 2nd respondent /The



W.P No.9736 of 2025

District Collector, District Level Empowered Committee, Government

WEB COPY

Employees Medical Insurance Scheme, Kanyakumari for fresh consideration

in accordance with applicable Rules and in line with the Judgment of this

Court in W.P.(MD).No.13429 of 2013, dated 28.05.2019. No costs.

Consequently, the connected miscellaneous petition stands closed.

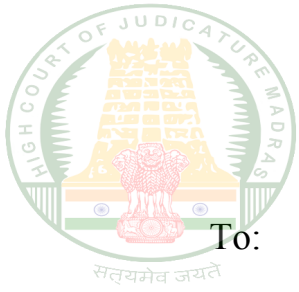
27.06.2025

ssi

Index : Yes

Speaking Order : Yes/No

Neutral Citation Case: Yes/No



W.P No.9736 of 2025

To:

WEB COPY

1. The Government of Tamil Nadu,
By its Secretary,
Finance Department,
Chennai 600009.

2. The District Collector,
District Level Empowered Committee,
Government Employees Medical Insurance Scheme,
Kanyakumari.

3. The Joint Director of Medical and Rural Health Services,
Member Secretary,
District Level Empowered Committee,
Kanyakumari.

4. The District Treasury Officer,
District Treasury Office, Nagercoil.

5. United India Insurance Company Limited,
LBO, 010600, Silligni Buildings,
134, Grems Road, Chennai – 600006.

C. KUMARAPPAN, J.



WEB COPY



W.P No.9736 of 2025

ssi

W.P.No.9736 of 2025

27.06.2025

WP NO. 9736 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

8/11



W.P No.9736 of 2025

DATED: 21-07-2025

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP NO. 9736 of 2025

AND

WMP NO. 10917 OF 2025

Ganapathi Asari

S/o. Chinnaiyan, Presently Is Reside At No. 11
Ekathaman Avenu, Puzhal, Chennai 600 066.

Petitioner(s)

Vs

The Government Of Tamilnadu

By Its Secretary, Finance Department, Chennai and
4 Others

Respondent(s)

WMP NO. 10917 of 2025

Ganapathi Asari

S/o. Chinnaiyan Presently Is Reside At N. 11
Ekathaman Avenue, Puzhal, Chennai 600 066.

Petitioner(s)

Vs

The Government Of Tamilnadu

By Its Secretary Finance Department, Chennai and 4
Others

Respondent(s)

WP NO. 9736 of 2025

For Petitioner(s):

M/s. M.Sridhar

For Respondent(s):

M/s.M.Azizullah Khan GA For Rr1 & R4

Mr.N.Naveen Kumar Govt.Advocate For R2



W.P No.9736 of 2025

Mr.K.Tippu Sultan, Govt.Advocate For R3
M/s. P.Athiveerarama Pandian, For R5

WEB COPY

WMP NO. 10917 of 2025

For Petitioner(s):
For Respondent(s):

ORDER

The matter is today listed under the caption 'for being mentioned'.

2.It is mentioned that appearance for the fifth respondent has not been mentioned in the order dated 27.06.2025.

3.Registry is directed to mention the name of Mr.P.Athiveerarama Pandian for R5 in the appearance portion of the order dated 27.06.2025 in W.P.No.9736 of 2025 and issue fresh order copy to the respective learned counsel appearing for the parties.

21-07-2025

WP NO. 9736 of 2025

To

1. The Government Of Tamilnadu

By Its Secretary, Finance Department, Chennai

2. The District Collector

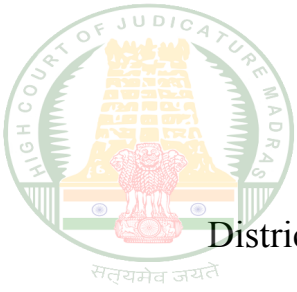
DISTIRCT LEVEL EMOWERED COMMITTEE, GOVERNMENT
eMPOYEEES MEDICAL INSURANC E SCHEME, KANYAKUMARI

3. The Joint Director Of Medical And Rural Health Services Member
Secretary

District Level Empowered Committee, Kanyakumari

4. The District Treasury Officer

10/11



W.P No.9736 of 2025

District Treasury Office, Namakal

5. United India Insurance Company Limited
Lbo 010600 Silini Building, 134 Grems Road, Chennai 600 006.

WMP NO. 10917 of 2025

1. The Government Of Tamilnadu
By Its Sectary Finance Department, Chennai
2. The District Collecior
District Level Empowered Committeee, Governmetn Employees Medical
Insurance Scheme, Kanyakumri
3. The Joint Director Of Medical And Rural Health Serives Member Secretary
District Level Empowered Committee, Kanyakumari
4. The District Treasury Office R
District Treasury Office, Nagercoil
5. United Inida Insuranc Ecompany Limited
Lbo 010600 Silini Building, 134 Grems Road, Chennai
pri