



W.P.No.37030 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.37030 of 2016

1.C.S.Harikrsihnan (Deceased)

2.H.Mala

3.Padmapriyadharshini

... Petitioners

(*P2, P3 substituted as LR's of deceased sole petitioner vide order dated 04.08.2025 made in WMP.No.32902 of 2025 in WP.37030/2016.)

Vs.

1.The Collector

Kancheepuram District

Kancheepuram – 631 501.

2.The General Manager

United India Insurance Co Ltd.

Divisional Office VI

5th Floor, PLA Rathna Towers

No.212 Anna Salai,

Chennai – 600 006.

3.The Joint Director

Treasuries and accounts Department

District Treasury

Kancheepuram – 631501

4.The Joint Director

Health Service

Kancheepuram- 631 501.

.... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent by his proceedings Ldis.No.14385/2016/H1 dated .09.2016 signed on 26.09.2016 and quash the same and to direct the respondents to pay the medical expenses of Rs.1,24,809/- to the petitioner with interest of 12% per annum from the date of claim till the date of payment.

For Petitioner : Mr.V.Manoharan

For R1, R3 & R4 : Mr.E.P.Senniyangiri
Government Advocate

For R2 : Mr.P.Sankara Narayanan

ORDER

The first petitioner (hereinafter referred to as 'petitioner') herein originally filed the writ petition aggrieved by the proceedings Ldis.No.14385/2016/H1 dated 26.09.2016 issued by the 3rd respondent intimating the petitioner that the claim made by the petitioner for medical reimbursement was negated by the 2nd respondent Insurance Company. The said claim is being made by the petitioner in terms of the New Health Insurance Scheme, 2014 for pensioners (Including spouse)/Family Pensioners as framed by the Government under G.O.Ms.No.171, Finance (Pension) Department, dated 26.06.2014. The said Government order provides for a mechanism for redressal of grievances relating to the implementation of the



said scheme. The paragraph No.12 of the said scheme reads as under:

“12. REDRESSAL OF GRIEVANCES:

(a) Any complaints about difficulty in availing accredited treatments / surgeries, non-availability of facilities, bogus availment of treatment for ineligible individuals, etc., shall be submitted to the Pension Pay Officer, Chennai and other districts to the District Treasury Officers at the District Headquarters. The complaints received shall be placed for decision of an Empowered Committee at District Level headed by the District Collector, having the Joint Director of Medical and Rural Health Services Department and the Pension Pay Officer, Chennai / District Treasury Officer concerned as the case may be and a official representative of the United India Insurance Company as member. In respect of Pensioners /Family Pensioners drawing pension / family pension directly from Banks under Public Sector Bank Schemes, the complaints if any shall be sent to the Director of Treasuries and Accounts, Chennai.

(b) An appeal against the decision of the District Level Empowered Committee may be preferred by the Pensioners /Family Pensioners 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 United India Insurance Company as members.

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

(d) Any dispute arising out of the implementation of this Scheme which remain unresolved at the State Level



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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 (Expenditure), Finance (Pension) Department, the Secretary to Government, Health and Family Welfare Department and the representative of the United India Insurance Company nominated for the purpose.

(e) 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 resolution permissible under Law.”

2. However, the petitioner instead of availing the remedy provided under the said scheme for redressal of grievances straight away approached this Court. Whether the petitioner is entitled for such claim as is being made in the present writ petition or not has to be decided on verification of various factual aspects. Such an exercise cannot be undertaken by this Court under Article 226 of the Constitution of India. Further, when the petitioner has an effective alternative remedy, the petitioner ought to have availed the said remedy in terms of paragraph No.12 of the said Scheme.

3. In the circumstances, this Court is not inclined to entertain the writ petition against the impugned proceedings. Accordingly, this writ



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petition is disposed of permitting the petitioners 2 & 3, being the legal representatives of the deceased petitioner, to avail the remedy provided under paragraph No.12 of Annexure I to G.O.Ms.No.171 dated 26.06.2014 within a period of six (6) weeks from the date of receipt of a copy of this order. In case, if any such appeal is filed by the petitioners 2 & 3 within the time stipulated above, the 1st respondent shall take necessary steps by placing the same before the District Level Empowered Committee constituted under paragraph No.12 of Annexure I to G.O.Ms.No.171 dated 26.06.2014 and take necessary consequential steps for disposal of the same as expeditiously as possible at any rate within a period of two (2) months from the date of filing of the appeal.

4. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petitions, if any, shall stand closed.

21.08.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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