



WEB COPY



W.P.No.23008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.23008 of 2025

S.Anthonysamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (Salary) Department,
Fort St.George,
Chennai-9.

2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy,
Chennai-32.

3.United India Insurance Co., Ltd.,
Rep. by its Deputy Manager,
5th Floor, PLA Rathna Towers,
Anna Salai,
Chennai-6.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider the petitioner's claim for reimburse the medical expenses incurred towards the medical treatment (CABG) for a sum of Rs.2,53,000/- with



W.P.No.23008 of 2025

interest at 12% and for consequential reliefs, within the time stipulated by this Hon'ble Court.

WEB COPY

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.R.Sasikumar for R1
Government Advocate
Mr.C.Selvaraj for R2
Additional Government Pleader
M/s.Nageswaran & Narichania for R3

O R D E R

The writ petition has been filed seeking issuance of Writ of Mandamus directing the third respondent to consider the petitioner's claim for reimburse the medical expenses incurred towards the medical treatment (CABG) for a sum of Rs.2,53,000/- with interest at 12% and for consequential reliefs.

2.The learned counsel appearing for the petitioner would submit that the petitioner had taken treatment in the network hospital and incurred expenditure of Rs.1,30,000/- and thereafter he was forwarded by the network hospital to non network hospital for advance treatment wherein, the petitioner incurred expenditure about Rs.2,53,000/-. In spite of the petitioner submitted all his records before the third respondent, the third respondent did not reimburse



W.P.No.23008 of 2025

the amount on the ground that the petitioner has taken treatment before the non network hospital. The learned counsel would rely upon the order of the Madurai Bench of this Court in ***W.P(MD).Nos.13429 of 2013 etc., batch [S.Marimuthu Vs. The Government of Tamil Nadu represented by its Secretary and others]*** and would submit that even if any treatment taken in non network hospital that will not preclude the Insurance Company to settle the amount.

3.At this juncture, the learned Government Advocate would submit that if at all the petitioner has got any grievance, he has to redress his grievance only by filing appeal before the State Level Empowered Committee as per the Marimuthu judgment cited supra.

4.The learned counsel appearing for the third respondent would strongly object the contention of the learned counsel appearing for the petitioner.

5.I have given my anxious consideration to either side submissions.

6.The only contention put forth by the learned counsel appearing



W.P.No.23008 of 2025

for the petitioner is that since because the petitioner has taken treatment in non network hospital, the amount of Rs.2,53,000/- was not disbursed by the third respondent Insurance Company. In this regard, it is appropriate to extract paragraph 80 of the Marimuthu case cited supra:

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



WEB COPY



W.P.No.23008 of 2025

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 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



WEB COPY



W.P.No.23008 of 2025

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 form 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. With these directions, all these writ petitions are ordered to the terms indicated above. Consequently, connected miscellaneous petitions are closed. However there shall be no order of costs."

7.Hence the present writ petition is disposed of directing the petitioner to approach the State Level Empowered Committee as per the ratio of the Marimuthu case cited supra, within a period of two weeks from the date of receipt of a copy of this order. If any appeal is filed by the petitioner within that period, the State Level Empowered Committee shall dispose of the same, within a period of four weeks from the date of filing of the appeal, upon its own merits and in accordance with law.



W.P.No.23008 of 2025

8.The writ petition is disposed of. No costs.

WEB COPY

08.08.2025

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Secretary to Government,
Finance (Salary) Department,
Fort St.George,
Chennai-9.
- 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy,
Chennai-32.
- 3.United India Insurance Co., Ltd.,
Rep. by its Deputy Manager,
5th Floor, PLA Rathna Towers,
Anna Salai,
Chennai-6.



WEB COPY



W.P.No.23008 of 2025

C.KUMARAPPAN,J.
pri

W.P.No.23008 of 2025

08.08.2025