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W.P No.25149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.25149 of 2025

N.Ramesh

... Petitioner

..Vs..

1.The District Collector,
Chennai District.

2.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

3.Managing Director,
Health and Family Welfare Department,
DMS Campus,
Teynampet, Chennai-18.

4.The United India Insurance Co., Ltd.,
Rep. by Manager,
No.212, Anna Salai,
5th Floor, Rathina Towers,
Mount Road, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the 2nd respondent to consider petitioner's representation dated 04.08.2020 consequently direct the respondents to reimburse the remaining medical expenses about Rs.90,000/- along with @ 9% p.a., to me.



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For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.R.Sasikumar,
Government Advocate for R1

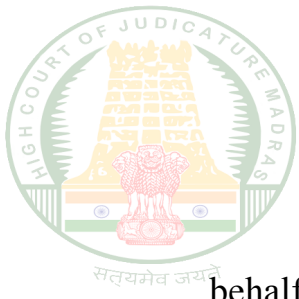
Mr.K.Tippu Sultan,
Government Advocate for RR2 & 3

Mr.P.Sankaranarayanan for R4

ORDER

The instant writ petition has been filed with a prayer for Mandamus to direct the 2nd respondent to consider my representation dated 04.08.2020.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner was a driver in Chennai Metro Water Department. While he was in service, he was affected with corona virus and was admitted in Narayana Hospital, Purasawalkam as the Government Hospital did not admit him and he was incurred a sum of Rs.1,40,000/- as medical expenses. However, the respondents have reimbursed only Rs.49,500/- and still they have to reimburse a sum of Rs.90,500/-.



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3. At this juncture, the learned Government Advocate appearing on behalf of the respondents would invite the attention of this Court in the decision of the learned Single Judge in ***W.P.(MD).Nos.13429 of 2013 and etc., batch cases, dated 28.05.2019*** wherein, this Court taking into consideration of the various issues arising in respect of settling the medical reimbursement has given a comprehensive guidelines in **para No.80** is extracted hereunder:

“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.



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(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 the Empowered Committee, the Sanctioning authority/State authority/High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed



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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. 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. ”

4. According to the above guidelines, if there is any dispute between the petitioner and the Insurance Company, the petitioner is entitled to prefer a claim before the District Level Empowered Committee. In this Connection, the petitioner has sent a representation on 04.08.2020 and the same is pending before the 4th respondent.



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5. At this juncture, the learned counsel appearing on behalf of the 4th respondent would submit that the petitioner has to approach only the District Level Empowered Committee. For which, the learned counsel for the petitioner would submit that the 4th respondent did not take any action in pursuance of the above representation dated 04.08.2020 and therefore, the question of approaching before the District Level Empowered Committee does not arise, at this stage.

6. In such view of the submissions and also on the pendency of the representation before the 4th respondent, without going to the merits of the writ petition, this Court deems it appropriate to direct the 4th respondent to consider the petitioner's above representation dated 04.08.2020 and pass orders accordance to its own merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. At this juncture, the learned counsel for the 4th respondent submits that if the petitioner gives a fresh comprehensive representation, it would be more appropriate for them to consider his grievance.



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8. In such view of the submission made by the learned counsel for the 4th respondent, this Court directs the petitioner to submit a fresh representation before the respondents along with all supporting documents within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to dispose of the same, as directed above.

9. With the above observations, the writ petition stands disposed of. No costs.

10.07.2025

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

1.The District Collector, Chennai District.

2.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

3.The Managing Director,
Health and Family Welfare Department,
DMS Campus, Teynampet, Chennai-18.

4.The Manager, United India Insurance Co., Ltd.,
No.212, Anna Salai, 5th Floor, Rathina Towers,
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C. KUMARAPPAN, J.

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