

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.20258 of 2017

S.Mohamed Thouffique

... Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu,
Department of Health and Family Welfare,
Chennai - 600 009.

2. The Project Director,
Tamil Nadu Health System Project,
2nd Floor, DMS Annex New Building,
No.259, Anna Salai, Teynampet,
Chennai - 600 006.

3. The Project Manager,
Tamil Nadu Health System Project,
No.226, Om Sakthi Towers,
Kilpauk Garden Road,
Kilpauk, Chennai - 600 010.

4. The District Collector,
Thoothukudi District, Thoothukudi.

5. The Joint Director of Health Service,
166 North Beach Road,
Fisheries Department Building,
Thoothukudi, Thoothukudi District.

6. The Authorised Officer,
Meenakshi Mission Hospital and Research Center,
Mellur Road, Uthankudi,
Madurai - 625 107.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to implement the orders passed by the 2nd respondent in Ref.No.1060/TNHSP/Ins./2016, dated 21.06.2017.

For Petitioner

: Mr.P.Pethu Rajesh

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents 1 to 5 : Mr.M.Alagathevan,

Special Government Pleader

**ORDER**

By consent, this writ petition is taken up for final disposal at the stage of admission itself.

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2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents 1 to 5. Notice to R.6 is dispensed with, as no adverse order is going to be passed.

3. The petitioner, a fisherman by profession, is before this Court and his contention is that pursuant to the order of this Court dated 09.11.2016, his request was considered and recommended to the second respondent by the fourth respondent for a sum of Rs.1,45,000/-, who in turn, by order dated 21.06.2017, directed the third respondent to refund the same to the petitioner. As the said direction has not been complied with by the third respondent, the present petition came to be filed for the aforesaid relief.

4. This Court is not inclined to go into the facts of the case, again, as the same was already dealt with in detail in W.P (MD)No.21315 of 2015 and by order dated 09.11.2016, this Court set aside the impugned order of rejection and directed the authorities to consider the claim of the petitioner, sympathetically. Subsequent thereto, after some rounds of litigation, the second respondent has directed the third respondent to disburse/refund a sum of Rs.1,45,000/- to the petitioner towards medical expenditure.

5. Once the higher authority passes an order, it is obligatory on the part of his subordinates to follow the same. Such being the case, when the Project Director / second respondent, directed the Project Manager / third respondent to refund a certain amount, it is incumbent for the third respondent to comply with the same.

6. Under such circumstances, this writ petition is disposed of, directing the third respondent to consider the claim of the petitioner, in line with the proceedings of the second respondent dated 21.06.2017 and pass appropriate orders thereon and after affording due opportunity of hearing to the petitioner and the sixth respondent, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/

Assistant Registrar(CS-II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1. The Secretary to the Government of Tamil Nadu,
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Chennai - 600 009.
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Thoothukudi.
5. The Joint Director of Health Service,
166 North Beach Road,
Fisheries Department Building,
Thoothukudi,
Thoothukudi District.

+1cc to Mr.P.Pethu Rajesh, Advocate Sr.No.85222

+1cc to The Spl.Government Pleader Sr.No.85347

GK

VB/KK/SAR1/16/11/2017/3P/8C

W.P. (MD) No.20258 of 2017
03.11.2017