

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.25087 of 2018 and
W.M.P. No.29146 of 2018

The Tamil Nadu Retired Government
Employees Association,
By its General Secretary
3(GI) Krishnappa Street, Chepauk
Chennai - 600 005.

...Petitioners

..Vs..

1. The Additional Chief Secretary to
Government of Tamil Nadu,
Finance (pension) Department,
Fort St. George
Chennai - 600 009.
2. The Divisional Manager,
United India Insurance Company LTD
Divisional office - 010 600,
Tamil Nadu New Health Insurance Scheme
5th Floor
PLA Rathna Tower
212, Anna Salai,
Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to direct the 1st respondent herein to consider the representation made to him on 13/07/2018 and call for the G.O.Ms No.222 dated 30/6/2018 Finance (pension) Department, Government of Tamil Nadu and quash the clause No.5 of the guidelines for implementation of New Health insurance Scheme 2018 for pensioners (including Spouse / family pensioners) regarding enrolment of the Pensioners / Family Pensioners under the scheme which has been made compulsory and also extend the benefits of the scheme to other types of treatments namely Siddha, Ayurvedic, Unani, Homeopathy at the choice of the pensioners / family pensioners.

For Petitioner : Mr.S.Balasubramanian,

For Respondents : Mrs. R.Janaki (R1)
Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the first respondent. Since, no relief is sought for as against the second respondent, this Court feels that no notice be issued to the second respondent and as such this Writ Petition be disposed of at the stage of admission itself.

2. The grievance of the petitioner in this Writ Petition is that they are the association of the retired Government employees of the State of Tamil Nadu. Challenging the clause 5 of G.O.Ms.No.222, Finance (Pension) Department, Government of Tamil Nadu dated 30.06.2018, in respect of guidelines for implementation of New Health Insurance Scheme 2018 for pensioners (including spouse/family pensioners) regarding enrolment of the pensioners/family pensioners under the scheme which has been made compulsory and also for a prayer to extend the aforesaid scheme to other types of treatments namely Siddha, Ayurvedic, Unani, Homeopathy at the choice of the pensioners/family pensioners and for a direction to the first respondent to consider their representation dated 13.07.2018, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner as well as learned Additional Government Pleader, who accepts notice on behalf of the first respondent.

4. During the course of hearing, the learned counsel for the petitioner submits that though the relief sought for in this Writ Petition is for a larger relief, now he confines his prayer to the fact that the first respondent be directed to dispose of the representation of the petitioner dated 13.07.2018 within a stipulated period.

5. The learned Additional Government Pleader who accepts notice on behalf of the first respondent however would submit there is no in action on the part of the first respondent to entitle the petitioner for Writ of Mandamus and as such this

Court should not entertain this writ petition at this stage. However, she submits that if any direction be given to the first respondent to dispose of the representation of the petitioner dated 13.07.2018, the same shall be considered and disposed of by the first respondent in accordance with law, but the Court should not put fetter in consideration of the representation in any particular manner.

6. Hence, regard being had to the facts and submissions made, especially the nature of relief sought for, eventhough this Court is of the view that the representation having been made in the recent past, there is no inaction on the part of the first respondent to entitle the petitioner for Writ of Mandamus, to dispose of the same, but considering the fact that the petitioners are pensioners and having made representation ventilating their grievances in respect of guidelines for implementation of New Health Insurance Scheme 2018 for pensioners (including spouse/family pensioners) regarding enrolment of the pensioners/family pensioners under the scheme which has been made compulsory and also for the extension of the aforesaid scheme to other types of treatments namely Siddha, Ayurvedic, Unani, Homeopathy at the choice of the pensioners/family pensioners, this Court hope and trust that the first respondent shall take an informed and considered decision on the representation of the petitioner, dated 13.07.2018, within a reasonable period, preferably within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, this Court has expressed no opinion on the merits of the representation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Additional Chief Secretary to
Government of Tamil Nadu
Finance (pension) Department,
Fort St. George
Chennai - 600 009.

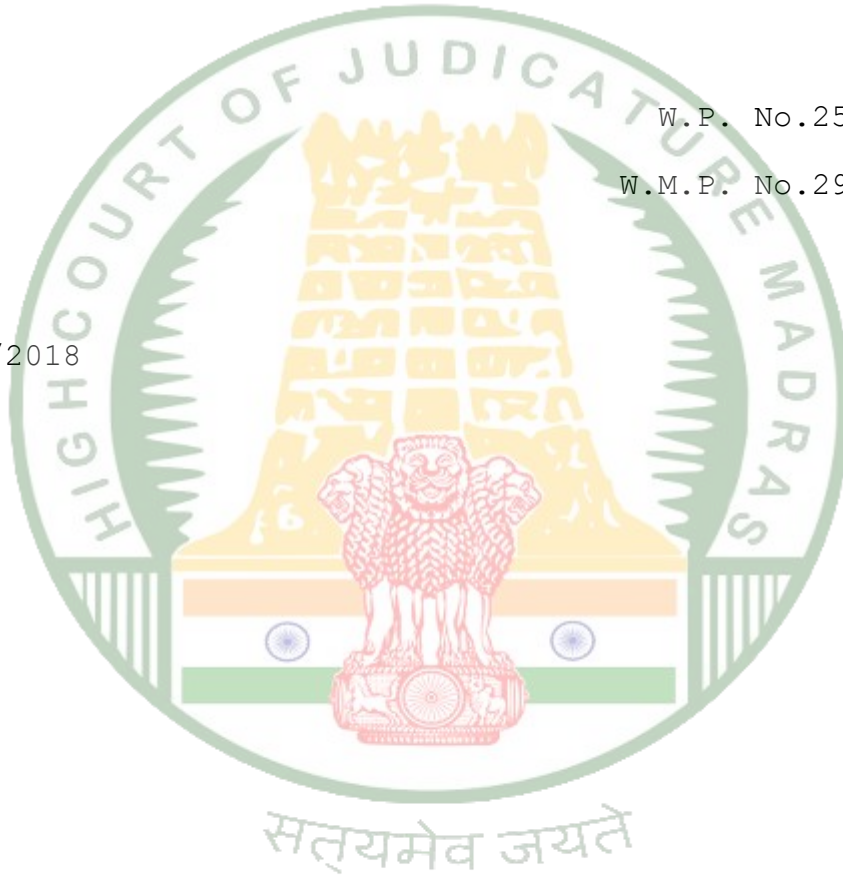
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2. The Divisional Manager,
United India Insurance Company LTD
Divisional office - 010 600,
Tamil Nadu New Health Insurance Scheme
5th Floor
PLA Rathna Tower
212, Anna Salai, Chennai - 600 002.

+lcc to Mr.S.Balasubramanian, Advocate Sr.65729

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srg 16/10/2018



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