



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.26044 of 2019

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R.Robert

... Petitioner

/vs./

1.The Secretary to Government,
(Finance and Pension Department)
Secretariat, Fort St. George,
Chennai.

2.The Director of Treasuries and Accounts,
Panagal buildings,
Saidapet, Chennai-600 015.

3.The United India Insurance Co. Ltd.,
Rep by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A. Rathana Towers,
No.212, Anna Salai,
Chennai-6.

4.District Level Committee,
Rep by Collector,
At Nagercoil,
Kanyakumari District.

5.The Treasury Officer,
The District Treasury Office,
Nagercoil, Kanyakumari District.

6.The Joint Director of Medical and
Rural Health Service,
At Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to disburse Rs.8,37,686/- spent by the petitioner for the treatment underwent by the petitioner within a stipulated time fixed by this Court.

For Petitioner
For R-1 & R-2

: Mr.S.C.Herold Singh
: Mr.V.Anand
Government Advocate



ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to disburse Rs.8,37,686/- spent by the petitioner for the treatment underwent by the petitioner, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 19.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 19.11.2019, on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The Secretary to Government,
(Finance and Pension Department)
Secretariat, Fort St. George, Chennai.

2.The Director of Treasuries and Accounts,
Panagal buildings,
Saidapet, Chennai-600 015.

3.The Collector,
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The District Treasury Office,
Nagercoil, Kanyakumari District.

5.The Joint Director of Medical and
Rural Health Service,
Nagercoil, Kanyakumari District.

+1 CC to SPL.GP (SR-103974[F] dated 09/12/2019)

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-104029[F] dated
09/12/2019)

Order made in
W.P.(MD) No.26044 of 2019
06.12.2019

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