



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.02.2020
PRONOUNCED ON : 28 .02.2020

CORAM:

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

W.P.(MD)No.1180 of 2020

D.Senthil Kumari

...Petitioner

Vs

1. The Divisional Manager,
The United India Insurance Company Limited,
Divisional Office VI, Vth Floor, P.L.A. Rathna Towers,
212, Anna Salai, Chennai.

2. MD India Healthcare Services (TPA) Ltd.,
Rep by the Branch Manager,
Guna Complex, New Door No.443 and 445,
Old Door No.304 and 305,
Anna Salai, Teynampet, Chennai - 18.

3. The Secretary to Government,
School Education Department ,
6th Floor, Namakkal, Kavingar Maligai,
Fort St.George, Secretariat, Chennai - 600 009.

4. The Joint Director,
Medical and Rural Health Services Department,
Madurai District Headquarters,
Usilampatti, Madurai District.

5. The District Elementary Educational Officer,
O/o, The District Elementary Education,
Tirumangalam, Madurai District.

6. The Secretary to Government,
Finance (Salary), Fort St.George,
Chennai - 600 009.

...Respondents

(R6 - impleaded vide Court order dated 11.02.2020 by MSRJ in
WMP(MD)No.1202 of 2020 in WP(MD) No.1180 of 2020)

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India for issuance of Writ of Mandamus, directing the first
respondent to consider the petitioner's representation dated



09.01.2020 in the light of the order passed by this Court in W.P. (MD)No.5738 of 2017 in the common order dated 29.11.2017.

For Petitioner : Mr.L.Prabhu
For Respondent : Mr.C.M. Mari Chelliah Prabhu
Nos.3 & 5 Additional Government Pleader

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ORDER

The petitioner, being a Government employee working as Headmistress in Panchayat Union Elementary School, P.Ammapatti, Thirumangalam, had sought for reimbursement of the medical expenditure incurred by her for the ailment of intolerable headache, giddiness, facial muscle weakness, left half of body numbness and non-functioning of left hand, for which the treatment was taken at SKG Multi Speciality Hospital, Thirumangalam, Madurai, which is a non-network hospital. When her claim was rejected by order dated 23.03.2017 by the first respondent, the petitioner herein had filed a writ petition in W.P.(MD)No.5738 of 2017 and this Court, by order dated 29.11.2017 directed the respondent concerned to forward the application to the Government, who in turn, was directed to disburse the eligible amount to the petitioner with interest at 9% p.a, within a period of six weeks. Since there was no action on the part of the respondents, the petitioner made a representation on 09.01.2020. The present writ petition has been filed directing the first respondent to consider the petitioner's representation dated 09.01.2020, in the light of the common order passed by this Court in W.P.(MD)No.5738 of 2017 dated 29.11.2017.

2. Heard Mr.L.Prabhu, learned counsel for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing on behalf of the respondents 3 and 5.

3. When this Court had directed the respondents to disburse the eligible amount to the petitioner with interest, through its order dated 29.11.2017, there is no justification on the part of the respondents to keep the claim pending, even after expiry of the time stipulated by this Court. As a matter of fact, the conduct on the part of the respondents could be regarded as a disobedience of the Court's order, which could amount to contempt of the Court orders. However, by way of extending a last and final opportunity, this Court is of the view that if further time could be extended for complying with the order of this Court dated 29.11.2017 passed in W.P.(MD)No.5738 of 2017, the ends of justice could be secured.

4. In view of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 09.01.2020 in the light of the order passed by this Court in W.P.(MD)No.5738 of 2017 in the common order dated 29.11.2017 and consequently, disburse the eligible amount to the petitioner with interest at the rate of 9% from the date of



the claim till the date of actual disbursement, atleast, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (Records)

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// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Divisional Manager,
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212, Anna Salai, Chennai.
2. The the Branch Manager,
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6. The Secretary to Government,
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+1 CC to M/s.L.PRABHU, Advocate (SR-9411[F] dated 28/02/2020)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9416[F] dated 28/02/2020)

Order made in

W.P. (MD) No.1180 of 2020

28.02.2020

AP(18/06/2020) 3P 9C

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