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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5863 of 2021

M.Venkatesh Perumal ... Petitioner

-vs-

1. The Appellate Authority / RTI Act, 2005
   Office of the Prime Minister,
   New Delhi 110 011.

2. The Public Information Officer
   Office of the Prime Minister
   New Delhi 110 011.

3. The Secretary
   Hon'ble Prime Minister's Relief Fund
   Office of the Prime Minister
   New Delhi 110 011.

4. The Director
   Cancer Institute (WIA)
   Adyar, Chennai 600 020. ... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of mandamus directing 1st respondent to consider the petitioner's appeal/representation and dispose the appeal/representation dated 24.11.2020 pertaining to providing information as to the sanction of Rs.3,00,000/- towards the treatment for Cancer for V.Sagunthala Devi (Hospital No.103448) released under the Prime Minister's National Relief Fund to the Director Cancer Institute, Adyar, reference letter dated 06.02.2017, No.82(2410)/2017-PMF, within a stipulated period.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.R.Sankara Narayanan
Assistant Solicitor General of India
for Mr.M.Soundar Vijay Arul Ram
Standing Counsel for R3
Mr.K.Narasimhan for R4

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ORDER

This writ petition has been filed to direct the 1st respondent to consider the petitioner's appeal/representation and dispose the appeal/representation dated 24.11.2020 pertaining to providing information as to the sanction of Rs.3,00,000/- towards the treatment for Cancer for V.Sagunthala Devi (Hospital No.103448) released under the Prime Minister's National Relief Fund to the Director Cancer Institute, Adyar, reference letter dated 06.02.2017, No.82(2410)/2017-PMF, within a stipulated period.

2. The case of the petitioner is that his wife suffered from "Acute Myeloid Leukemia" and admitted in Adyar Cancer Institute on 30.06.2016. During the time of admission she was in intermediate risk of the disease and went through Chemotherapy, various tests and treatments. Every expenses including treatment and medical expenses was paid by the petitioner by raising debts from various sources. Therefore, the petitioner requested The Secretary, Hon'ble Prime Minister's Relief Fund/third respondent for financial assistance by letter dated 11.01.2017. With reference to the request letter the same was approved by (PMNRF) Prime Minister's Relief Fund for a sum of Rs.3,00,000/- by approval letter from the Prime Minister's Office dated 06.02.2017. The petitioner made several inquiries/oral representations to the authorities, Adyar Cancer Institute about the PMNRF, but the authorities replied that the fund has not yet been credited and once the fund is credited it will be transferred to the petitioner's account. Even though three years passed still the fund has not been credited to the petitioner's account. Since there was no proper response from the Hospital authorities the petitioner made a RTI application to the Central Public Information Office regarding the payment of PMNRF, by an application dated 27.08.2020 and sought for a public information. The application sought by the petitioner was not provided within the mandatory time. Hence the petitioner made a RTI appeal dated 24.11.2020 to provide the information with regard to the sanction of Rs.3,00,000/- and the same was also not provided within the mandatory period. Since there was no reply from the respondents the petitioner has approached this Court with the present writ petition.

3. Heard both sides and perused the materials available on record.

4. The contention of the 3rd Respondent is that the question as to whether the petitioner is entitled to medical reimbursement or not needs to be ascertained by the concerned Authorities. It is further contended that even if the petitioner is found to be eligible for reimbursement, the amount will be

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directly payable to the concerned Institution. Even assuming for the sake of argument that the petitioner is eligible for the amount, he cannot seek for reimbursement as a matter of right, as sought for by him in the present case.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation/appeal is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation / appeal preferred by the petitioner dated 05.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

ii) The 1st respondent is directed to communicate the decision taken on the representation/appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of registered post/speed post.

6. The observation made supra is only for the purpose of disposal of the writ petition and it will not have any bearing if the issue is decided on merits. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq

To

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   Office of the Prime Minister,
   New Delhi 110 011.

2. The Public Information Officer
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4. The Director
   Cancer Institute (WIA)
   Adyar, Chennai 600 020.

+1cc to Mr.M.Velmurugan, Advocate, S.R.No.28314

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RLD(CO)
HS(26/07/2021)

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