



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE,CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP NO.21494 OF 2021

V.Shanthi

... Petitioner

-vs-

- 1 Government of Tamil Nadu,
Rep by the Principal Secretary to Government,
Finance Department, Secretariat,
Chennai-600 009.
 - 2 The Registrar General,
Madras High Court,
Chennai-600 104.
 - 3 The Principal District Judge,
Krishnagiri, Krishnagiri District.
 - 4 The Director of Medical and Rural Health Services,
Chennai-600 006.
 - 5 The Commissioner of Treasuries and Accounts,
Chennai-600 035.
 - 6 The Assistant Registrar (Admn.III),
High Court of Madras,
Chennai-600 104.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant interest at 6% for belated payment of Rs.4,52,432/-towards Medical Reimbursement of the petitioner's husband in pursuant to the order dated 28.6.2021 in W.P.No.10167 / 2021 filed by the petitioner from 1.3.2013 onwards till the date of payment within a limited time frame.



WEB COPY

For the Petitioner : Mr.J.Muthukumaran
For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for R-1
: Mr.S.Thangavel,
for RR 2, 3 and 6

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the writ petitioner is that the reimbursement due on account of the medical expenses incurred for the petitioner's deceased husband came at a belated stage and the petitioner had to institute a previous writ petition before the money was released.

2. It is evident that the petitioner had filed WP No.10167 of 2021, complaining of the failure or delay on the part of the authorities to reimburse the sum of Rs.4,52,432/-.

3. By an order dated June 28, 2021, such writ petition was disposed of by recording that a government order had been issued in such regard for reimbursement of the amount. However, the order dated June 28, 2021 did not provide for any interest.

4. Whether it was a mistake on the part of the court or the interest was deliberately declined, the fact that no interest was provided for in the relevant order despite a prayer implies that the prayer for interest was considered and declined. It is the same as would be in a money suit where a money decree is passed and no interest is provided for. The prayer cannot be renewed because there is a finality to the order and a subsequent prayer is barred by the principle of res judicata.

Accordingly, WP No.21494 of 2021 is disposed of without any order since the order requiring the payment to be made over to the petitioner did not provide for any interest and the prayer for interest is deemed to have been declined thereby. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra



To:

- 1 The Principal Secretary to Government,
Finance Department, Secretariat,
Chennai-600 009.
- 2 The Registrar General,
Madras High Court,
Chennai-600 104.
- 3 The Principal District Judge,
Krishnagiri, Krishnagiri District.
- 4 The Director of Medical and Rural Health Services,
Chennai-600 006.
- 5 The Commissioner of Treasuries and Accounts,
Chennai-600 035.
- 6 The Assistant Registrar (Admn.III),
High Court of Madras,
Chennai-600 104.

+1cc to Mr.S.Thangavel, Advocate, S.R.No.52061
+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.51884
+1cc to Government Pleader, SR.NO.52056 (26/10/2021)

WP No.21494 of 2021

PPA(CO)
PM/12/10/2021