



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2731 of 2021

A.Packiamuthu

...Petitioner

Vs.

1.The Director,
Medical and Rural Health Services,
(ESI Scheme), 359, Anna Salai,
Chokkalingam Nagar, Teynampet
Chennai - 600 006.

2.The Director,
ESI Corporation,
No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

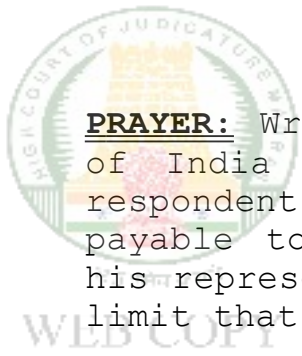
3.The Deputy Director,
ESI Corporation,
Sub Regional Office,
Tirunelveli - 3.

4.The Regional Administrative Medical Officer,
ESI Corporation,
K.K.Nagar, Madurai - 625 020.

5.The Medical Officer in charge,
ESI Dispensary,
Vickramasingapuram,
Tirunelveli District.

6.The Branch Manager,
Branch Office,
ESI Corporation,
ESIC Complex,
No.1068, Main Road,
Vickramasingapuram - 627425,
Tirunelveli District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to reimburse the medical expenses of Rs.2,67,841/- payable to the petitioner with eligible interest by considering his representation dated 23.10.2020 and 04.02.2021 within the time limit that may be fixed by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.M.Muniyasamy,
No.4 Additional Government Pleader

O R D E R

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

2.Since the petitioner's representation dated 23.10.2020, claiming reimbursement of medical expenses of Rs.2,67,841/- has not been considered by the respondents, the petitioner has filed the present writ petition.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4.In the light of the above observations, it would be appropriate to direct the 2nd respondent herein to consider the petitioner's representation dated 23.10.2020 in the light of the proceedings of the 5th respondent dated 05.01.2019 within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.Accordingly, there shall be a direction to the 2nd respondent to consider the petitioner's representation dated 23.10.2020 in the light of the proceedings of the 5th respondent dated 05.01.2019, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar(RTI)

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/ /2021

Sub Assistant Registrar(CS)

dsk

To

- 1.The Director, Medical and Rural Health Services,
(ESI Scheme),359, Anna Salai, Chokkalingam Nagar,Teynampet,
Chennai - 600 006.
- 2.The Director, ESI Corporation,
No.143, Sterling Road, Nungambakkam,
Chennai - 600 034.
- 3.The Deputy Director, ESI Corporation,
Sub Regional Office, Tirunelveli - 3.
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ESI Corporation, ESIC Complex,
No.1068, Main Road,
Vickramasingapuram - 627425,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-5359[F] dated 16/02/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-5425[F] dated
16/02/2021)

W.P. (MD) No.2731 of 2021

15.02.2021

SJ(CO)

TR(26.02.2021) 3P 9C