



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.5390 of 2021

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S.P.Surya Prabha

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Addl.Chief Secretary,
Finance (Salary) Department,
Fort St.George,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District,
Madurai.
- 4.The Joint Director,
Medical and Rural Health Service,
Madurai District,
District Headquarters at Usilampatti,
Usilampatti,
Madurai District.
- 5.The Zonal Manager,
United India Insurance Company Limited,
5th Floor, P.L.A. Rathina Tower,
No.212, Anna Salai,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to reimburse the medical expenses incurred for the surgery in the petitioner's right hand to a tune of Rs.2,46,000/- with interest under the Government Employees New Insurance Scheme-2016 based on her representation dated 26.09.2020 and 08.10.2020 within the time limit that may be stipulated by this Court.



For Petitioner : Mr.S.P.Naveen Kumar
For R-1 to R-4 : Mr.A.Muthukaruppan
Additional Government Pleader
For R-5 : Mr.A.Shajahan

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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 request to the respondents to reimburse the medical expenses incurred for the surgery in the her right hand to a tune of Rs.2,46,000/- with interest under the Government Employees New Insurance Scheme-2016 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 26.09.2020, which is still pending.

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 second respondent herein to consider the petitioner's representation dated 26.09.2020, 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 second respondent to consider the petitioner's representation dated 26.09.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

CP

To

- 1.The State of Tamil Nadu,
Rep. by its Addl.Chief Secretary,
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Secretariat,
Chennai-600 009.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District,
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- 4.The Joint Director,
Medical and Rural Health Service,
Madurai District,
District Headquarters at Usilampatti,
Usilampatti,
Madurai District.

+1 CC to M/s.S.P.NAVEEN KUMAR, Advocate (SR-10741[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-11158[F] dated 15/03/2021)

W.P. (MD) No.5390 of 2021
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