



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 2600 of 2022

and

W.M.P. (MD) Nos. 2305 to 2307 of 2022

Murugesan

... Petitioner

Vs.

1. The Union of India,
Represented by
Principal Secretary to Government,
The Government of India,
Ministry of Finance,
3rd Floor, Jeevandeep Building,
Sansad Marg,
New Delhi.
2. The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Ministry of Finance,
Secretariat,
St.Fort George,
Chennai - 600 009.
3. The State of Tamil Nadu,
Represented by
The Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai - 600 009.
4. The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai - 600 028.
5. The District Collector,
Office of the District Collector,
Madurai - 625 020.



6. The Commissioner,
Madurai Corporation, Madurai - 625 002.

7. The Joint Director,
Medical and Rural Health Service,
Villaniasalai,
District T.P Center,
Usilampatti,
Madurai - 625 532.

8. The Chairman-cum-Managing Director,
United India Nalanda,
Door No.19, Ground Floor, 4th Lane,
Uthamar Gandhi Salai,
Chennai.

9. The General Manager,
United India Nalanda,
Door No.19, Ground Floor, 4th Lane,
Uthamar Gandhi Salai,
Chennai.

10. The Manager,
M/s.M.D.India Health Insurance,
(United India Insurance Co. Limited) TPA PVT Ltd.,
Old No.304 to 306, New No.443 to 445 Guna Complex,
Annasalai, Thenampettai,
Chennai - 600 018.

11. The Regional Chief,
Regional Office RO-Madurai,
Pandiyan Building, 7A,
Floor No.1, West Veli Street,
Madurai - 625 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to take appropriate action to reimburse the medical expenses and insurance amount to the petitioner for the treatment of the petitioner's wife by name M.Anusiya aged 52 years, in accordance with law.

For Petitioner	:	Mr.R.Alagumani
For Respondents	:	Mr.K.R.Laxman
		Sr. Central Govt. Counsel for R1
		Mr.A.K.Manikkam
		Spl. Govt. Pleader for R2 to R5&R7
		Mr.S.Vinayak for R6
		Mr.A.Shajahan for R8 to R11

**O R D E R**

Merely directing the Authority to consider the representation in the absence of effective adjudication would do no service to the cause of justice. This being the basic principles to be followed, even in a Writ Petition filed seeking the relief to consider the representation, the High Court is bound to ensure that the cause of action is established and the petitioner has established a right or infringement of right. In the absence of establishing the right or infringement of any right, no Writ Petition needs to be entertained.

2. In the present case, the petitioner seeks the relief of settlement of medical reimbursement claim. Admittedly, the petitioner submitted an application seeking medical reimbursement on 08.06.2021. The grievances of the writ petitioner is that in respect of other person, who is also similarly placed, a decision was already taken by the Authorities and there is a possibility of taking a similar decision in the case of the petitioner also.

3. The cause of action in respect of other employees on certain facts and circumstances cannot be a ground to entertain the Writ Petition filed by the petitioner. The facts are to be considered independently. In the present case, the petitioner admittedly submitted an application for medical reimbursement and the said application is under process as per the submission made by the respective learned counsel appearing on behalf of the respondents. When the application is under process, the petitioner has to wait till the decision is taken by the Competent Authority. Contrarily, each and every stage, the petitioner cannot file a Writ Petition without establishing the cause and such a procedure adopted by the litigants at no circumstances cannot be encouraged. A person aggrieved may file a Writ Petition only after establishing the fact that he is an aggrieved person. Thus, the right or infringement of right is to be proved. The cause of action also must be established. In the absence of all these requirements, which is mandatory for entertaining the Writ Petition, no direction can be granted under Article 226 of the Constitution of India. Thus, the petitioner has to wait for the final order to be passed. No doubt, the Authorities need not delay the issue unnecessarily for a longer period and the decision is to be taken in the line of seniority, considering the number of applications pending as expeditiously as possible. The High Courts are bound to consider the administrative procedures and difficulties as going on issuing the direction to consider the representation may paralyze the routine administrative affairs. Therefore, the authorities must take a decision in the line of seniority and based on the date of application and other factors.



4. Imagine a situation, when the High Court is going on issuing direction to consider the representation in hundreds and thousands, the Executive would not be in a position to perform their normal duties. For instance, if the High Court is directed by the Hon'ble Supreme Court of India to decide all the cases within a particular period, it may not be evenly possible. Thus, the practical administrative difficulties prevailing in Government Departments, number of applications pending in the Departments are also to be considered even for issuing a direction to consider the representation. It can never be a mechanical affair by the Writ Court and as far as possible, every Writ Petition must be decided on its own merits and finality must be reached. Issuing a direction to consider the representation would result in multiplicity of proceedings as stated above, it would do no service to the cause of justice. Therefore, once the aggrieved person approached the High Court, the issue must be adjudicated on merits and the same should reach its finality. This being the basic principles, the petitioner has to pursue the remedy before the Competent Authority and as far as the present Writ Petition is concerned, the petitioner has not established any cause of action as of now.

5. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
The Union of India,
The Government of India,
Ministry of Finance,
3rd Floor, Jeevandeep Building,
Sansad Marg, New Delhi.
2. The Principal Secretary to Government,
The State of Tamil Nadu,
Ministry of Finance,
Secretariat, St.Fort George,
Chennai - 600 009.



3. The Principal Secretary,
The State of Tamil Nadu,
The Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St.George,
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4. The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
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Madurai - 625 001.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-5263[F] dated 10/02/2022)

+1 CC to M/s.S.VINAYAK, Advocate (SR-5175[F] dated 01/02/2022)

+1 CC to M/s.SPL GP (SR-5353[F] dated 10/02/2022)

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MGJ(01.03.2022) 6P 16C