



WP(MD)No.3404 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.3404 of 2022

R.Robert

... Petitioner

/vs./

- 1.The Secretary to Government,
(Finance and Pension Department),
Secretariat,
Fort St. George, Chennai.
- 2.The Commissioner of Treasuries and Accounts,
Integrated Office Complex For Finance Dept.,
3rd Floor, Veterinary Hospital Campus,
Anna Salai, Chennai - 600 035.
- 3.The United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A. Rathana Towers,
No. 212, Anna Salai, Chennai – 6.
- 4.The District Level Empowered Committee,
Rep. by the District Collector,
Kanyakumari District, at Nagercoil.
- 5.The District Treasury Officer,
The District Treasury Office,
Nagercoil, Kanyakumari District.



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6.The Sub Treasurer,
The Sub Treasury Office,
Vilvancode, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to disburse a sum of Rs.63,023/- spent by the petitioner for the treatment underwent by him within a stipulated time fixed by this Court, by considering the application of the petitioner dated 04-02-2022.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.G.Suriyananth

Additional Government Pleader (for R1,R2,R4 to R6)

Mr.I.Robert Chandrakumar (for R3)

ORDER

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

2.The petitioner herein had given a representation to the sixth respondent on 04.02.2022, seeking for medical reimbursement of a sum of Rs.63,023/- spent by the petitioner for the treatment underwent by him. Since the said representation was not considered, the present writ petition has been filed.



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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, there shall be a direction to the sixth respondent herein to consider the petitioner's representation dated 04.02.2022, on its own merits and in the light of G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022 and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.



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

29.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

Sm

Order made in
W.P.(MD)No.3404 of 2022

Dated:
29.08.2022