



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2022
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.12543 of 2022

Malathi ... Petitioner

Vs.

- 1.The Chairman,
Managing Director,
Tamil Nadu Medical Services Corporation,
No. 417, Pantheon Road,
Egmore, Chennai 600 008.
- 2.The Member / Commissioner Of Treasuries and Accounts,
Integrated Complex,
For Finance Department, Anna Complex,
No.571, Anna Salai, Nandanam, Chennai 600 035.
- 3.The Chairman
Medical Board, Joint Director of Health Services, Dindigul.
- 4.The Block Educational Officer
Block Educational Office, Toppampatti,
Palani, Dindigul District.
- 5.The Tamil Nadu National Health Insurance Scheme,
Employee Scheme, The Chief Nodal Officer,
MD India Health Insurance TPA Private Limited,
Guna Complex, #443 and 445 Anna Salai,
Teynampet, Chennai.
- 6.The Secretary,
Saraswathy Primary Aided School,
Andinayakkan Valasu, Perichipalayam Post,
Toppampatti, Palani, Dindigul District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to take appropriate decision on the claim of petitioner forwarded through the proceedings of 4th respondent in Na.Ka.No. 595/A3/2021, dated 25.11.2021, seeking reimbursement of medical expenses Rs.82,702/- incurred for the treatment taken by the husband of Petitioner namely P.Rathinam at KGM Hospital, Coimbatore in the light of G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020 and G.O.Ms.No.165, Finance (Health Insurance) Department, dated 01.06.2022, as the case may be within the time limit fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.AL.Kannan
For Respondents : Mr.S.Shaji Bino for R1 to R4
Special Government Pleader

O R D E R

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 respondents on 18.11.2021 seeking reimbursement of medical expenses Rs.82,702/- incurred for the treatment taken by the husband of Petitioner namely P.Rathinam at KGM Hospital, Coimbatore in the light of G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020 and G.O.Ms.No.165, Finance (Health Insurance) Department, dated 01.06.2022, which was forwarded by the fourth respondent by his proceedings, dated 25.11.2021, to the second respondent. Since the said representation was not considered, the present writ petition has been filed.

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 second respondent herein to consider the petitioner's representation, dated 18.11.2021, which was forwarded by the fourth respondent by his proceedings, dated 25.11.2021, to the second respondent, on its own merits 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.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



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- 4.The Block Educational Officer
Block Educational Office, Toppampatti,
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+1 CC to M/s.A.L. KANNAN, Advocate (SR-27390[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27419[F] dated 22/06/2022)

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SS(28/06/2022) 3P 7C