



WP(MD)No.17170 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.17170 of 2022

A.Yagappan

... Petitioner

/vs./

1.The Divisional Manager,
United India Insurance Company,
Divisional Office VI, 5th Floor,
PLA Rathna Tower,
212, Anna Salai, Chennai 600 006.

2.The Commissioner of Treasury and Accounts,
Amma Complex 3rd Floor,
Veterinary Hospital Campus,
Nanthanam, Anna Salai,
Chennai 600 035.

3.The Treasury Officer,
District Treasury,
Collectorate Campus,
Madurai – 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to release the claim amount of Rs.4,63,235/- to the petitioner towards reimbursement of medical expenses incurred for his wife Mrs.Lima Rose for treatment of COVID-19 under



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New Health Insurance Scheme for the pensioners, based on the petitioner's representations dated 10.06.2021 and 06.06.2022, by fixing a definite time frame.

For Petitioner : Mr.D.Gurusamy

For Respondents : Mr.M.Siddharthan

Additional Government Pleader (for R2 & R3)

Mr.C.Karthik (for R1)

ORDER

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

2.The petitioner herein had given representations to the respondents on 10.06.2021 and 06.06.2022, seeking for medical reimbursement of Rs.4,63,235/- for treatment of COVID-19, undertaken by his wife, under New Health Insurance Scheme for the pensioners. Since the said representations were 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 respondents herein to consider the petitioner's representations, dated 10.06.2021 and 06.06.2022, 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

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