



WP(MD)No.18063 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.18063 of 2022

A.Jeyalakshmi

... Petitioner

/vs./

- 1.The Director of Pension,
259, Anna Salai,
D.M.S.Campus 2nd Floor,
Thenampet, Chennai -6.
- 2.The Joint Director of Health Services,
Dindigul District, Dindigul.
- 3.The District Treasury Officer,
District Treasury,
Dindigul.
- 4.The Divisional Officer,
United India Insurance Company 5th Floor,
P.L.A.Tower, 212, Anna Salai,
Chennai -6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the Medical Expenditure of Rs.1,86,632/- incurred by the petitioner at the Shree Sathya Subha Hospital, Dindigul, a New Work Hospital for taking treatment of Covid-19 for the



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period from 20.12.2020 to 02.01.2021, based on the letter of the 3rd respondent to the 4th respondent dated 29.12.2021 as was approved by the District Level Empower Committee on 18.11.2021, along with belated payment interest.

For Petitioner : Mr.S.Govindan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader (for R1 to R3)

Mr.A.Shajahan (for R4)

ORDER

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

2.The petitioner herein had given an application, dated nil, to the respondents, seeking for settlement of Rs.1,86,632/- for the medical expenditure incurred by the petitioner at the Shree Sathya Subha Hospital, Dindigul, for taking treatment of Covid-19 for the period from 20.12.2020 to 02.01.2021. Since the said application 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/application 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/application 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 representation/application submitted by the petitioner, dated nil, 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.

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Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

Sm

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