



WEB COPY



W.P.No.20111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2111 of 2023
and
WMP.No.2197 of 2023

P.Kamalammal

...Petitioners

Vs.

1.The Government of Tamil Nadu,
rep. by Health Secretary to Government,
Fort St. George,
Chennai-600 009.

2.The Joint Director (NHIS),
O/o.CTA,
Integrated Finance Complex,
Chennai-600 030.

3.The Project Manager,
United India Insurance Company Limited,
No.226, Om Sakthi Tower,
Kilpauk Garden Road,
Kilpauk,
Chennai-600 010.

...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 reimburse to the petitioner a sum of Rs.88,865/- with 12% interest from 03.05.2021 till the date of reimbursement.



W.P.No.20111 of 2023

For Petitioner : Mr.A.P.Surya Prakasam

For Respondent : Mr.S.Prabhakaran, GA
Nos.1 & 2

For Respondent-3 : M/s.K.Poomaran

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 2 & 3 on 19.09.2022 and 13.10.2022 respectively, seeking for his medical reimbursement to the tune of Rs.88,865/- with 12% interest from 03.05.2021 till the date of reimbursement. Since the said representations were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representations 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 representations by the Statutory Authority would amount to



W.P.No.20111 of 2023

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 and also taking into account the age of the petitioner, who claimed to be 92 years old, the respondents herein shall endeavour to consider the petitioner's representations dated 19.09.2022 and 13.10.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two 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. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

21.06.2023

Index:Yes/No
Order: Speaking/Non-speaking
Neutral Citation : Yes/No



WEB COPY DPY



W.P.No.20111 of 2023



WEB COPY



W.P.No.20111 of 2023

M.S.RAMESH,J.

DP

To

- 1.The Government of Tamil Nadu,
rep. by Health Secretary to Government,
Fort St. George,
Chennai-600 009.
- 2.The Joint Director (NHIS),
O/o.CTA,
Integrated Finance Complex,
Chennai-600 030.
- 3.The Project Manager,
United India Insurance Company Limited,
No.226, Om Sakthi Tower,
Kilpauk Garden Road,
Kilpauk,
Chennai-600 010.

**W.P.No.2111 of 2023
and WMP.No.2197 of 2023**

21.06.2023