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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30175 of 2023

R.Akthar ...Petitioner

Vs

1.The Director of Local Fund Audit
Combined Finance Office Complex,
Local Fund Audit, 4th Floor,
Nandanam,
Chennai-600 035.

2. The Regional Manager,
United India Insurance Company Ltd.,
Divisional Office, VI, PLA Rathna Towers,
5th Floor, 212, Anna Salai,
Rajaji Buildings,
Chennai-600 006. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction the medical reimbursement of the petitioner to a tune of Rs.36,212/- along with interest based on the representations of the petitioner dated 13.09.2022 and 04.02.2023 based on the recommendation letter of the 1st respondent in R.C.No.17816/M.P.P.(4)/2022, dated 12.12.2022.

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For Petitioner : Mr.A.R.Nixon

For R1 : Mr.M.Bindran,
Additional Government Pleader

ORDER

Heard Mr.A.R.Nixon, learned counsel for the petitioner and Mr.M.Bindran learned Additional Government Pleader for the first respondent. In view of the order to be passed in this writ petition, no prejudice would be caused to the second respondent. Hence, notice to the second respondent is dispensed with.

2. The petitioner herein had given representations to the first respondent on 13.09.2022 and 04.02.2023, seeking sanction of medical reimbursement to a tune of Rs.36,212/- along with interest, based on the recommendation letter of the 1st respondent dated 12.12.2022. Since the said representations were 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 him 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-

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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 the Constitution of the 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 first respondent herein to consider the petitioner's representations dated 13.09.2022 and 04.02.2023, on its own merits and pass appropriate orders in accordance with law, in the light of the recommendation of the first respondent dated 12.12.2022 within a period of four 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 made by 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.

18.10.2023

Index:Yes/No
Speaking order/Non-speaking order
hvk

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M.S.RAMESH,J.

hvk

To

1.The Director of Local Fund Audit
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Chennai-600 035.

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