



CONT.P.(MD) No.1022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

CONT P(MD)No.1022 of 2023
in W.P(MD) No.16941 of 2019

P.Muthu

...Petitioner

Vs.

1. Thiru. Visakan,
District Collector,
District Level Empowered Committee,
Dindigul District,
Dindigul.

2. A.P.Usha,
Senior Divisional Manager,
United India Insurance Co. Ltd.,
Divisional Office VI,
5th Floor, Rathna Towers,
212, Anna Salai,
Chennai – 600 006.

3. Thiru.V.Sitharaman
Treasury Officer,
District Treasury,
Dindigul – 624 002.
....Respondents

(R2 is amended vide court order dated 31.07.2023 in Sub.A(MD)No. 196 of 2023 by DEVJ)



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Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to initiate Contempt of Court proceedings against the Respondents for willful and contumacious disobedience of direction passed by this Hon'ble court in the order made in W.P(MD)No.16941 of 2019 dated 31.07.2019 and prosecute and punish the Respondents for the Contempt of Court for flouting the above said order of this Court.

For Petitioner : Mr.R.R.Kannan
For R1 : Mr.Veerakathiravan
Senior Counsel
for Mr.A.Kannan
For R2 : Mr.A.Shajahan
For R3 : Mr.C.Ashok Kumar

ORDER

This Contempt Petition has been filed complaining the willful disobedience of the order dated 31.07.2019 in W.P(MD)No.16941 of 2019 in true letter and spirit.

2. While allowing the said Writ Petition, this Court quashed the order impugned therein dated 05.03.2019 issued by the 3rd respondent and remitted the matter back to the first respondent to re-consider the case of the petitioner's claim afresh. It is further directed that if the petitioner is otherwise eligible for the claim of medical reimbursement,



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the 1st respondent shall pass appropriate orders within the period of 3 months from the date of receipt of copy of the order. Complaining the willful disobedience of the respondents in implementing the order, the present Contempt Petition has been filed.

3. A counter affidavit has been filed on behalf of the respondents.

4. In compliance of the order dated 31.07.2019 of this Court, the 1st respondent re-considered the claim of the petitioner in the District Empowered Committee meeting held on 27.10.2020 and sent recommendations to the 2nd respondent on 04.12.2020. For want of certain documents, the 2nd respondent sent a letter dated 29.12.2020 to the 1st respondent. After collecting those documents, the 1st respondent forwarded the same to the 2nd respondent on 04.02.2021. Thereafter, it appears the claim of the petitioner is kept in cold storage of the Office of the 2nd respondent.

5. During the course of hearing, the learned counsel appearing



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for the 2nd respondent submits that an amount of Rs.40,000/- (Rupees forty thousand only) is paid to the petitioner towards his claim of reimbursement for medical expenses basing on the recommendation of the 1st respondent.

6. On consideration of all these facts, it is established that from 01.02.2021 to 14.07.2023, the 2nd respondent did not settle the claim of the petitioner even after recommendation of the 1st respondent. A perusal of the order passed by this Court on 31.07.2019 would show that there is a direction to the first respondent only to re-consider the claim of the petitioner within a period of 3 months from the date of receipt of the order and to pass appropriate orders. In fact, there is no direction to the 2nd respondent to settle the claim after receipt of the recommendation from the 1st respondent within a particular time. However, being the public sector undertaking has to follow the terms and conditions of the policy issued after collecting the premium from the petitioner, it is the legitimate duty of the Insurance Company to settle the claim within a reasonable time, if it is in order.



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7. Admittedly, in this case, there is a delay of more than 2 ½ years in settling the claim of the petitioner after receipt of the recommendation from the District Empowered Committee. The 2nd respondent filed an additional affidavit as per the instructions of this Court to ascertain the fact that who is responsible for the delay caused in this regard. Originally, the petitioner impleaded one A.P.Usha, the Senior Divisional Manager, United India Insurance Company Limited, as the 2nd respondent. But it is contended by the learned counsel appearing for the Respondent No.2 that at the relevant point of time, the 2nd respondent did not hold the post of the Senior Divisional Manager of the Divisional Office VI, Chennai. One S.Ganesh held the post of the Senior Divisional Manager for the period from 29.10.2019 to 19.10.2022. Actually, the petitioner ought to have impleaded the said S.Ganesh as the second respondent in this Contempt Petition.

8. However, considering the facts and circumstances of the case, this Court is of the considered opinion that there is no willful disobedience on the part of the respondents herein in implementing the order of the Court. Therefore, this Contempt Petition is liable to be closed.



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9. However, considering the fact that the claim of the petitioner is kept pending from 04.02.2021 to 14.07.2023 in the Office of the United India Insurance Company Limited, Divisional Office VI, Chennai without any reason and depriving the petitioner, in my considered view, it is appropriate to compensate the petitioner for the loss caused to him due to belated payment by the Insurance Company.

10. Accordingly, this Contempt Petition is closed with the following directions:

- i) The 2nd respondent shall take steps to pay an amount of Rs.15,000/- (Rupees fifteen thousand only) towards cost to the petitioner within a period of 2 weeks from today;
- ii) Thereafter, the same shall be recovered from the Officer, who held the post of the Senior Divisional Manager, United India Insurance Company Limited, Divisional Office VI, Chennai, at the relevant point of time.

21.09.2023

Index : Yes / No

NCC : Yes / No

CM

Note: Issue order copy on **21.09.2023**.



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To,
1. Thiru. Visakan,
District Collector,
District Level Empowered Committee,
Dindigul District,
Dindigul.

2. A.P. Usha,
Senior Divisional Manager,
United India Insurance Co. Ltd.,
Divisional Office Vi,
5th Floor, Rathna Towers,
212, Anna Salai,
Chennai – 600 006.

3. Thiru. V. Sitharaman
Treasury Officer,
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BATTU DEVANAND, J.

CM

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