



W.P.(MD).No.17102 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.17102 of 2023**

P.Rahel Mariammal

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,  
Department of Finance,  
Fort St.George,  
Chennai-9.

2.The Commissioner of Treasuries and Accounts/  
Joint Director,  
Department of Treasuries and Accounts,  
3<sup>rd</sup> Floor, Veterinary Hospital Campus,  
No.571, Anna Salai, Nandanam,  
Chennai-600 035.

3.The Divisional Manager,  
United India Insurance Company,  
Divisional Office VI,  
5<sup>th</sup> Floor, PLA Rathna Tower,  
212, Anna Salai,  
Chennai-6.

4.The Block Educational Officer,  
Madurai East,  
Madurai District.

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.3 to provide the medical reimbursement to the tune of Rs.3,83,960/- (Three Lakh Eighty Three Thousand Nine Hundred and Sixty Rupees Only) to the petitioner sanctioned vide proceedings issued by the respondent No.2 vide Rc.No. 36712/NHIS-1/2021 dated 01.06.2022 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar  
for M/s.Lajapathi Roy and Associates

For R1,R2 & R4 : Mr.N.Ramesh Arumugam  
Government Advocate

For R3 : Mr.S.Shajahan

### **ORDER**

The present writ petition has been filed seeking direction to the respondent No.3 to provide the medical reimbursement to the tune of Rs. 3,83,960/- (Three Lakh Eighty Three Thousand Nine Hundred and Sixty Rupees Only) to the petitioner sanctioned vide proceedings issued by the respondent No.2 vide Rc.No. 36712/NHIS-1/2021 dated 01.06.2022 within the time period stipulated by this Court.



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2. The petitioner is working as Secondary Grade Teacher at CSI Primary School, Narasingam, Madurai and the said school is Government aided school. The petitioner is a subscriber of New Health Insurance Scheme for employees. The petitioner's husband and her son were tested Covid-19 positive and admitted at Matha Mission Hospital, Manamadurai, Sivagangai District for treatment. Her husband Mr.S.Henry Christopher was admitted on 14.04.2021 and discharged on 24.04.2021. The total claim amount in respect of her husband's treatment is Rs.2,48,071/-. The petitioner's son Mr.Stanley Solomon was admitted on 15.04.2021 and discharged on 24.04.2021. The total claim amount in respect of her son is Rs.1,35,889/-. Therefore, the petitioner applied for medical reimbursement. The 2<sup>nd</sup> respondent vide proceedings, dated 01.06.2022 directed the Divisional Manager, United India Insurance Company to make payments to 34 persons including the petitioner. However, till date, the said amount has not been disbursed to the petitioner. Hence, the petitioner made a representation on 15.12.2022 and that is pending without consideration. Hence, this writ petition came to be filed.

3. Heard Mr.S.Rajasekar, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1,2 &4 and Mr.S.Shajahan, learned counsel for the 3<sup>rd</sup> respondent.



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4. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, this Court is inclined to direct the 3<sup>rd</sup> respondent to consider the representation, dated 15.12.2022 within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. In view of the above, this Writ Petition is disposed of. No costs.

**17.07.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No

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**L.VICTORIA GOWRI, J.**

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