



W.P(MD)No.21614 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.21614 of 2023

T. Punjab Sekar

...Petitioner

Vs.

1.The Joint Director,
Commissioner of Treasuries and Accounts,
Chennai.

2.The Commissioner of Treasuries and Accounts,
Amma Complex,
3rd Floor, No.571,
Nandanam, Anna Salai,
Chennai – 600 005.

3.The Divisional Manager,
United India Insurance Company Limited,
Divisional Officer VI,
5th Floor, PLA Rathna Tower,
121, Anna Salai,
Chennai -6.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to disburse the petitioner a sum of Rs.1,02,910/- in pursuance of the proceedings of the 1st respondent in Rc.No.37783/NHIS -1/2021, dated 24.03.2021 along with interest at the rate of 18% by considering the



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petitioner's representation, dated 30.06.2023 and pass order on merits in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.E. Ilango
For respondents : Mr.D.S. Neduncheliyan
Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the 3rd respondent to disburse the petitioner a sum of Rs.1,02,910/- in pursuance of the proceedings of the 1st respondent in Rc.No.37783 / NHIS -1/2021, dated 24.03.2021 along with interest at the rate of 18% by considering the petitioner's representation, dated 30.06.2023 and pass order on merits in accordance with law within the period that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and learned Standing Counsel appearing for the third respondent.

3. The petitioner is a practising Advocate before the Sathankulam Combined Court, Tuticorin District and his wife



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K.Muneswari is a Secondary Grade Teacher in Ramakrishna Vidyalam Primary School at Arivanmozhi, Sathankulam Taluk, Thoothukudi District.

The petitioner's wife had availed the Health Insurance Scheme offered by the Government. In terms of G.O.Ms.No.202, dated 30.06.2016, the spouse of the employees also have insurance coverage under the health insurance scheme. During the year 2020, the petitioner suffered from Covid-19, and took treatment as inpatient in Kayalpatnam Medical Trust Hospital at Kayalpatnam, Thoothukudi District for the period from 05.09.2020 to 14.09.2020 and incurred a total medical expenses of Rs. 1,01,096/-, for which the petitioner made an application seeking reimbursement of medical expenses to the first respondent by enclosing all the medical certificates and discharge summary by letter, dated 17.12.2020. The first respondent vide proceeding, dated 24.03.2021 considered the petitioner's letter and the third respondent was directed to disburse a sum of Rs.1,02,910/-. However, till date no payment was made by the third respondent. Hence, the petitioner has made repeated representation from 30.06.2023 seeking to disburse the petitioner's amount as recommended by the first respondent. However, the said exercise has not been done so far. In such circumstances, the petitioner has filed the present Writ Petition.

4. It is needless to point out that whenever a representation of



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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. In view of the other facts and circumstances, the third respondent is directed to disburse the petitioner's amount to which he is entitled to as per the direction of the first respondent, dated 24.03.2021, considering his representation, dated 30.06.2023 within a period of six weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes/ No
trp



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L.VICTORIA GOWRI, J.,

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