



W.P(MD)No.379 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.379 of 2022

A.Sudha

... Petitioner

Vs

1. The Senior Superintendent Of Post Offices,
Kanyakumari Division,
Nagercoil-01.
2. The Manager,
Postal Life Insurance, Department of Posts,
Nagercoil Head Office,
Kanyakumari District.
3. The Inspector of Posts,
Kuzhithurai Sub Division, Kuzhithurai,
Kanyakumari District.
4. The Senior Post Master,
Department of Posts, Nagercoil Head Office,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 30.03.2021 passed by the 2nd



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respondent in Letter No.0000003653152 and quash the same and consequently direct the respondents to disburse the death claim amount for the death of the petitioners husband namely Late.C.Aji under policy No. 0000003653152 within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithviraj

For R1 to R4 : Mr.K.K.Lakshman
Standing Counsel

ORDER

The writ petition has been filed seeking interference with the orders of second respondent, the Manager, Postal Life Insurance, Department of Post, Nagercoil Head Office, Kanyakumari District, letter No. 0000003653152, dated 30.03.2021, by which the claim of the petitioner towards Policy No. 0000003653152 in the name of the husband of the petitioner herein, was declined by the second respondent.

2.Without entering into an examination of the facts, let me record the order by which the said claim under the Policy was declined by the second respondent.



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“Dear Shri/Ms.SUDHA A,

We regret to inform you that your claim under the captioned Policy Number has been denied. The said claim is not payable due to the reason mentioned below.

-Suppression of Fact.

If you have any queries concerning the decision please notify at your nearest Post Office.

Thank you for choosing Postal Life Insurance for your life insurance needs. If you have any queries pertaining to your life insurance coverage, please contact your Agent or nearest Post Office or our customer service center at 1-800-180-5232/155232. You may contact from Monday to Saturday between 10:30 AM to 4:30PM.”

3.The only reason given by the second respondent is suppression of facts. However, it was also stated that, if the petitioner had any query, she can always go to the nearest Post Office.

4.Without doing so, she filed the present petition.



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5.The grievance of the second respondent is that the petitioner can very well approach the local Post Office and reasons could have been given.

6.It is seen from the records, that the petitioner's husband taken three policies and unfortunately, thereafter, died. The reason for denial was not disclosed, while the claim was refused by the second respondent.

7.The learned counsel for the petitioner stated that necessity to disclose that further policies had been taken would arise only when the age of the insured was 46 years and above, but the injured died at 45 years and 7 months. Hence, there was no necessity for the petitioner to disclose the facts of the earlier two policies.

8.The learned Standing Counsel for the second respondent stated that disclosure of earlier policies would have necessitated taking various medical tests by the insured and that the policies had been issued without undergoing such process. Even though, medical tests had been taken, it is not



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known, whether the required medical tests were taken or not.

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9.Any Authority passing an administrative order should put forth the reason in the order.

10.I am strengthened in this view by the judgment of the Constitution Bench in ***Mohinder Singh Gill and another Vs The Chief Election Commissioner and others, reported in AIR 1978 SC 851***, wherein it was held as follows:

“The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought ,out. We may here draw attention to the observations of Bose J. in Gordhandas Bhanji (1) "Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in Ms mind, or what he intended to, do. Public orders made by public authorities are meant to



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have public effect and are intended to effect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

11. Even though, the Hon'ble Supreme Court has stated the above in an Election Petition, still the principle that reasons should be given in the impugned order.

12. Without entering into any discussion, the impugned order, dated 30.03.2022 is set aside and the entire issue is remitted back to the second respondent for fresh consideration in accordance with rules. During such consideration to ensure transparency, notice is to be issued to the petitioner herein, hear the petitioner and her explanation for taking the other two policies. The statement that the petitioner was also paid the amount insured towards other policies is also recorded.



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13. Accordingly, this Writ Petition is allowed. The second respondent is directed to complete the process of enquiry, in the manner as aforesaid, within a period of six weeks, from the date of receipt of a copy of this order. No costs.

07.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

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C.V.KARTHIKEYAN, J.

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ORDER IN
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