



W.P.(MD).No.23909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23909 of 2023

Nallakannu

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary (Finance Department),
Fort St. George,
Chennai-600 009.

2.The Authorized Officer,
The United Indian Insurance Company Limited,
Divisional Office VI,
5th Floor, P.L.A. Rathna Towers,
No.212, Annasalai, Chennai-600 006.

3.The Grievance Redressal Officer /
Chief Medical Officer,
TANGEDCO's Headquarters Dispensary,
No.144, Anna Salai, Chennai-600 002.

4.The Empowered Committee / Chief Internal
Audit Officer,
Office of the Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Limited,
1st Floor, No.144, Anna Salai,
Chennai-600 002.

... 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 respondents to reimburse the medical claim of the petitioner a sum of Rs.4,96,674/- by considering the representations of the petitioner, dated 11.09.2023 and 19.09.2023.

For Petitioner	: Mr.K.Samidurai
For R-1	: Mr.N.Muthuvijayan Special Government Pleader
For R-2	: Mr.Shajahan Standing Counsel
For R-3 & R-4	: M/s.Parameswari Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to reimburse the medical claim of the petitioner a sum of Rs.4,96,674/- by considering the representations of the petitioner, dated 11.09.2023 and 19.09.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner who is a pensioner was initially appointed as temporary Casual Labour in the year 1970 and thereafter, promoted as Helper and Wireman and lastly retired as Foreman Grade-I on 01.04.2009. He was admitted to Vadamalayan Hospital, Dindigul District for the complaint of chest pain on 04.06.2023 and incurred a medical expenditure of Rs.6,67,000/- and he is a subscriber of the New Health Insurance Scheme, 2022. However, the respondent Insurance Company even after submission of the entire medical bills paid only an amount of Rs.1,65,000/- even though the petitioner is eligible for recovery of full amount as per the guidelines in Annexure - I of the guideline for implementation of New Health Insurance Scheme 2022 for Pensioners (including spouse) / family pensioners and ex-gratia beneficiaries and the full amount is not paid. Hence, the petitioner made representations, dated 11.09.2023 and 19.09.2023 seeking the respondents to reimburse the entire medical claim.

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 respondents 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 Constitution of India and direct them to consider the same within a stipulated time.

5. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representations, dated 11.09.2023 and 19.09.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) 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.

29.09.2023

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



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- To
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L.VICTORIA GOWRI, J.

BTR

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