



W.P.(MD).No.1596 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1596 of 2024

C.S.Jeyachandran Singh

... Petitioner

Vs.

1.The Secretary,
Family Welfare and Health Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

2.The State Level Empowered Committee,
Represented by its Commissioner,
Medical and Rural Health Services,
DMS Compound, Chennai-600 006.

3.The Director of Pension,
259, Anna Salai,
3rd Block, 2nd Floor,
DMS Campus,
Teynampet, Chennai-600 006.

4.The Divisional Manager,
United India Insurance Co Ltd.,
No.24, Whites Road,
Chennai-600 014.



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5. The Joint Director,
Medical and Rulers Welfare Works,
Kottar, Nagercoil.

6. The District Treasury Officer,
Kanyakumari District,
Nagercoil, Kanyakumari District.

7. The District Collector,
Nagercoil,
Kanyakumari District.

... Respondents

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 dispose the appeal of the petitioner, dated 18.05.2023.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to dispose the appeal of the petitioner, dated 18.05.2023.

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's father, namely Chellan worked in the Police department as a Head Constable and he retired in the year 2002 from service. He was a subscriber of New Health Insurance Scheme, 2014 with the 4th respondent. The petitioner's father succumbed to illness and chest pain. As a result of which, he was admitted in KIMS hospital and given treatment. However, he passed away on 10.09.2018. A representation was sent by the petitioner along with medical treatment report and medical bills and other necessary details to the 4th respondent and the same was received on 16.10.2018. Thereafter, it was forwarded to the 3rd respondent and he received the same on 23.10.2018. In the meanwhile, the 4th respondent returned the petitioner's representation vide order, dated 26.02.2019. Challenging the same, the petitioner had filed W.P(MD)No.16033 of 2020. This Court was pleased to dispose off the said writ petition directing the petitioner to approach the State Level Empowered committee (2nd respondent herein) and High Level Empowered Committee for the purpose of establishing his case. Thereafter, the petitioner made an application before the 2nd respondent on 18.05.2023 and the same is pending. Since the same was not considered, this writ petition came to be filed.



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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. Without going into the merits of the case, this Court hereby direct the 2nd respondent dispose off the said application made by the petitioner, dated 18.05.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

29.01.2024

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

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L.VICTORIA GOWRI, J.

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