



W.P.(MD).No.2302 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2302 of 2024

K.Sugirthabai Jayaseeli

... Petitioner

Vs

1. The District Collector Cum Chairman,
District Level Empower Committee,
Tirunelveli District.
2. The Divisional Manager,
United India Insurance Company Ltd.,
5th Floor, Pla Rathna Towers,
No.212, Anna Salai,
Chennai - 600 006.
3. The Joint Director,
Medical and Rural Health Services,
Tirunelveli District.
4. The District Treasury Officer,
Tirunelveli.

... 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 sanction the amount of Rs.1,92,123.36/- with admissible interest as per the proposals submitted by the petitioner, dated 22.11.2021.



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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.S.Shaji Bino (R1,R3,R4)
Special Government Pleader

Mr.J.Robert Chandrakumar (R2)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to sanction the amount of Rs.1,92,123.36/- with admissible interest as per the proposals submitted by the petitioner, dated 22.11.2021.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1, 3 and 4 and the learned Standing Counsel appearing for the second respondent. Perused the materials on record.



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4.The petitioner was appointed as B.T.Assistant in St.Peter's Higher Secondary School, Ukkirankottai, Tirunelveli. On attaining the age of superannuation, she retired on 31.05.2005. She is the member of Tamil Nadu State Health Insurance Scheme. She was admitted in Apollo Spectra Hospitals, Chennai on 09.04.2021 for right breast Carcinoma and surgery was conducted on the same day itself, for which, she had incurred a total medical expenditure of Rs.3 lakhs. Therefore, she made a request to sanction Rs.1,92,123.36, for which, she had enclosed original bills to the fourth respondent. The first respondent also recommended her case and forwarded the case to the second respondent on 07.10.2022. However, the same was not considered by the second respondent. Hence, this petition came to be filed.

5. 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-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking



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its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6.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 second respondent to consider the case of the petitioner based on the recommendation made by the first respondent on 07.10.2022 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

06.02.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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