



W.P.(MD).No.2158 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2158 of 2024

A.Sekaran

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai-9.
- 2.The Government of Tamil Nadu,
Represented by is Secretary,
Department of Finance,
Fort St.George, Chennai-9
- 3.The Director,
O/o the Director of Medical and Rural Health Services,
Chennai-600 006.
- 4.The Director of Treasuries and Accounts,
Panagal Building, 2nd Floor,
Saidapet, Chennai-15.
- 5.The Divisional Manager – IV Circle,
M/s.United India Insurance Co.Ltd.,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai-600 006.

... 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 consider the representation, dated 06.12.2023 and 05.01.2024 and to reimburse the medical expenses of Rs.2,45,000/- incurred towards hospitalization and treatment of Covid-19 disease together with interest at 12% till date of payment, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Tholgappian Ramaiah
For R1 – R4 : Mr.S.Shaji Bino
Special Government Pleader
For R5 : Mr.I.Robert Chandrakumar
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the representation, dated 06.12.2023 and 05.01.2024 and to reimburse the medical expenses of Rs.2,45,000/- incurred towards hospitalization and treatment of Covid-19 disease together with interest at 12% till date of payment, within a time frame as may be fixed by this Court.

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 joined the Tamil Nadu Police Service on 30.05.1988 as a Constable of Police. Presently, he is serving as Special Sub-Inspector at DCB Office, Sivagangai. He is a member of New Health Insurance Scheme for employees announced by the Government of Tamil Nadu and a sum of Rs.300/- is deducted from his monthly salary. While he was serving in C.C.I.W, Madurai city as Special Sub-Inspector, he was infected with Covid and was hospitalized on 12.04.2021 in Guru Hospital, Madurai and underwent treatment till 20.04.2021. For which, he incurred a medical expenditure of Rs.2,45,000/-. He settled the amount from his own fund and thereafter, he made a claim on 18.07.2021 to the 3rd respondent along with the necessary documents including medical bills. On 18.07.2022, it was forwarded to the 5th respondent. Since the same was not acted upon, he made a representation on 06.12.2023 to the respondents requesting early settlement of medical reimbursement. The 1st respondent by his response letter, dated 26.12.2023 informed that the petition has been forwarded to the 2nd and 3rd respondents. In furtherance to the same, the petitioner had sent representation to the 2nd and 3rd respondents on 05.01.2024. Despite acknowledging the same, there is no response. Hence, 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 directs the respondents 2 and 3 to consider the representation of the petitioner, dated 06.12.2023 and 05.01.2024 and reimburse the medical expenditure to which the petitioner is entitled to. The said exercise shall be completed 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.

02.02.2024

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

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- To
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 - 2.The Secretary,
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Fort St.George, Chennai-9
 - 3.The Director,
O/o the Director of Medical and Rural Health Services,
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L.VICTORIA GOWRI, J.

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