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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10467 of 2023

K.A.Jeya Sheela ... Petitioner

vs.

1.The Secretary to Government,
Finance (Pension) Department,
St. George Fort,
Secretariat, Chennai - 600 009.

2.The Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbalagan Maaligai,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.

3.The Divisional Manager,
United India Insurance Company,
Divisional Office-VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai - 600 006. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus direct the respondents to reimburse the Medical expenses of Rs.5,95,041/- incurred by the petitioner for taking treatment for COVID-19 as per the Government orders vide

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G.O.Ms.No.280, Finance (Salaries) Department dated 24.06.2020 and G.O.Ms.No.281, Finance (Pension) Department dated 24.06.2020 with interest at the rate of 12% per annum till the date of realization.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

For R3 : Mr.C.Karthik

O R D E R

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for R1 and R2 and Mr.C.Karthik, learned counsel appearing for R3.

2. The petitioner has filed this petition seeking to issue a Writ of mandamus directing the respondents to reimburse the medical expenses of Rs.5,95,041/- incurred by her for COVID-19 treatment as per the Government orders in G.O.Ms.No.280, Finance (Salaries) Department dated 24.06.2020 and G.O.Ms.No.281, Finance (Pension) Department dated 24.06.2020 with interest at the rate of 12% per annum till the date of realization.

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3. Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner submitted that the petitioner is eligible to get the entire medical reimbursement claim. But, the third respondent has not sanctioned the same so far. Even though, the second respondent has forwarded the petitioner's application dated 13.09.2021 to the third respondent on 22.07.2022, till date no action has been taken by the third respondent. It is his submission that the subsequent representation dated 23.03.2023 given by the petitioner to the respondents 2 and 3 has also not been considered so far.

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 them to consider the same on their 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. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a

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case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents 2 and 3 are required to be given with a direction to consider the medical reimbursement claim of the petitioner within a specified time frame.

5. In the light of the above observations, the writ petition is **disposed of** and the respondents 2 and 3 are directed to consider the petitioner's reimbursement claim and his representation dated 23.03.2023 as per the Government Orders in G.O.Ms.No.280, Finance (Salaries) Department dated 24.06.2020 and G.O.Ms.No.281, Finance (Pension) Department dated 24.06.2020 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

05.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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