



WP(MD). No.22699 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/06/2024

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THE HON'BLE MS. JUSTICE R.N.MANJULA

WP(MD). No.22699 of 2022

Rajendran

... Petitioner

Vs

1. The District Collector, Trichy.

2. The District Co-Ordinator,
New Health Insurance Scheme, No.22/7,
1st Floor, Mns Complex, Ulaganathapuram,
Tvs Tolgate, Trichy.

3. New India Assurance,
87, Mg Road, Fort Mumbai, Mumbai.

4. The Deputy Manager (Personal),
TNSTC, Kumbakonam Kottam II, Trichy
Division, Trichy.

... Respondents

PRAYER :-Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents to pay a sum of Rs.2,04,436/- as reimbursement for medical expenses of the petitioners who underwent Endovascular covered stenting surgery.

For Petitioner : M/s.Vinod Sathiya Lazar.S,
For Respondents : Mr.J.Ashok for R1 & R2
Additional Government Pleader



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Mr.Jagadeespandian for R4
No appearance for R3

ORDER

The petitioner, who is a State Government employee, is the beneficiary under the NHIS. He undergone a surgery by incurring a sum of Rs.2,04,436/-. When the petitioner approached the respondents for medical reimbursement, the same has not been considered. Therefore, the petitioner has sent representations on 22.06.2021 and 24.12.2021. Since there is no action on the part of the respondents, he is before this Court with this writ petition.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned standing counsel for the respondents 3 and 4.

3. 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



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Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.06.2021 and 24.12.2021 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

5. With the above direction, this writ petition is **disposed of**. No



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costs.

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04.06.2024

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TO

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New Health Insurance Scheme, No.22/7,
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R.N.MANJULA,J

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**ORDER
IN
WP(MD) No.22699 of 2022**

Date : 04/06/2024