



W.P.(MD)No.16620 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16620 of 2025

S.Ramadas

... Petitioner

-VS-

1.The Director,
Medical and Rural Health Services (ESI),
Chennai – 6.

2.The Zonal Administrative Medical Office,
Zonal Administrative Medical Office (ESI),
Tirunelveli.

3.The Medical Officer in Charge,
ESI Dispensary, Karunkal,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the terminal benefits of Rs.2,50,000/- entitled to the petitioner by implementing the proceedings of the third respondent in Na.Ka.No.409/ESI/2022 dated 03.04.2025.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



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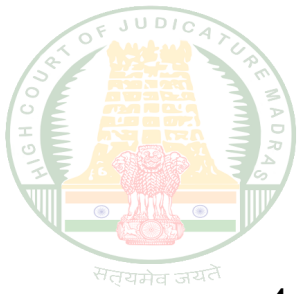
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ORDER

This Writ Petition has been filed seeking a direction to the respondents to disburse the terminal benefits amounting to Rs.2,50,000/- that are due to the petitioner, by implementing the proceedings issued by the third respondent, in Na.Ka.No.409/ESI/2022, dated 03.04.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, his son namely, R.Ratheesh Kumar, was employed as an Assistant at the ESI Dispensary located in South Perumalpuram, Aaralvaimozhi, Kanyakumari District. Tragically, he was brutally attacked and murdered on 13.07.2022, leaving behind his wife, Kirithika and the petitioner as his legal heirs. Following the demise of his son, the petitioner was directed by the third respondent, through communication dated 21.02.2024, to submit necessary documents including his Aadhar Card, PAN Card, the death certificate of the petitioner's wife and the legal heir certificate of his deceased son for the purpose of claiming the terminal benefits.



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4. Further, according to the petitioner, despite submitting the requisite documents and sending representations dated 15.07.2024 and 19.09.2024 to the first respondent requesting disbursal of the benefits, no progress was made. Subsequently, the third respondent, through communication dated 21.03.2025, again instructed the petitioner to furnish a copy of his Aadhar Card, PAN Card and bank passbook. The petitioner duly complied and submitted the documents in person. Thereafter, by proceedings dated 03.04.2025 in Na.Ka.No.409/ESI/2022, the third respondent certified that the petitioner is entitled to 50% of the terminal benefits amounting to Rs. 2,50,000/- and forwarded the same for disbursal to the second respondent.

5. The petitioner, a senior citizen, was previously earning a livelihood through mirror sales and other handicrafts. However, due to advanced age and deteriorating health, he is no longer in a position to work and was financially dependent on his deceased son. Despite clear certification by the third respondent and submission of all required documents, the sanctioned amount has not been disbursed to the petitioner till date. The prolonged delay has caused severe financial and emotional hardship. In these circumstances, the petitioner is



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constrained to approach this Court seeking a direction to the respondents to implement the proceedings dated 03.04.2025 and disburse the terminal benefits of Rs.2,50,000/- to him without any further delay.

6. Heard both sides.

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

8. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.09.2024, on its own merits and pass appropriate orders in accordance with law,



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after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

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VIVEK KUMAR SINGH, J.

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