

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.100 of 2023

For Petitioner(s) : Mr. K. Nath, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

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04/04/2023

Heard Mr. K. Nath, learned counsel appearing for the petitioner.
Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India directing the respondents to sanction and release medical reimbursement bill and T.A. Bill submitted by the petitioner amounting to Rs.2,87,140/- and Rs.42,124/- respectively for reimbursing the expenditure incurred by the petitioner for his treatment of Electro Physiologic Study (EPS) and Radiofrequency Ablation (RFA) under 3D mapping outside the State of Tripura i.e. at Narayan Institute of Cardiac Science, Bangalore.

The petitioner has prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other order/orders shall not be issued whereby directing the respondents to sanction & release medical reimbursement bill and the T.A. Bill submitted by the petitioner amounting to Rs.2,78,140/- and Rs.42,124/- respectively, for reimbursing the expenditure incurred by the petitioner for the treatment and operation, who was suffering from High Burden Monomorphic Outflow Tract PVCs LV Hypokinesia of LV, LVEF-37% (Likely Tachycardiomyopathy), outside the State of Tripura i.e. Narayana Institute of Cardiac Sciences, Bangalore.
- ii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other order/orders shall not be issued whereby quashing and cancelling the letter, dated, 13.12.2022, issued by the Additional Director, Secondary Education, Government of Tripura.
- ii. Make the rules absolute.
- iv. Call for records.”

This writ petition has been filed by the petitioner to direct the respondents to sanction and release the medical reimbursement bill and T.A. Bill amounting to Rs.2,87,140/- and Rs.48,124/- respectively, in favour of the petitioner. The petitioner has also prayed for necessary direction quashing and setting aside the letter dated 13.12.2022 issued by the District Education Officer, South District Zonal Office, Belonia South Tripura, but the same has been rejected by the respondent.

Hence, the present petition has been filed by the petitioner before this Court for redress.

In view of above and after gone through the evidence on record, this Court is of the considered opinion that the petitioner under compelling circumstances went to Narayana Institution of Cardiac Sciences, Bangalore for life saving treatment as his heart condition was deteriorating severely. The conservative treatment given to the petitioner was not available at G. B. P. Hospital, Agartala. The petitioner was in a very compelling situation and in such a situation the petitioner could not wait for referral certificate.

The Secretary to the Government of Tripura, Health and Family Welfare Department vide memo dated 22.12.2022 notified guidelines with regard to admissibility of medical expenses to State Government officials inside/outside of the States. As per para-(b) of the said memo Group-A and Group-B employees and their dependent family members may avail treatment in any enlisted referral hospital inside/outside of the states with approved by the State Government without referral of the Standing Medical Board subject to condition that ex-post facto approval shall be given in case of emergency acute illness arising while the government servant is slaying outside the state with station leave permission.

Accordingly, without expressing any opinion on merits, the present writ petition stands disposed of by setting aside the letter dated

13.12.2022 issued by the respondent and also with a direction to the petitioner to file an application before the respondent authority along with all relevant documents and medical records. After receipt of the same, the respondent authority shall consider the case of the petitioner with a pragmatic view in the light of the latest medical scheme formulated by the Government of Tripura within a period of one month from the date of receipt of the copy of this order.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)

A. Ghosh



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