

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_
WP(C) No.260 of 2023

Dr. Rajat Deb

..... *Petitioner*

V_E_R_S_U_S

Tripura University & 4 others

.....*Respondents*

For Petitioner(s)	:	Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. T. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

27/04/2023

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. T. Debbarma, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for quashing and cancelling the Clause-1 of the Tripura University General Guidelines for Medical Referral of Patients & Claiming reimbursement, framed and approved by the competent authority of the Tripura University, in its meeting dated 07.12.2021. Further cancelling the impugned letter dated 17.04.20213 issued by the Assistant Registrar & DDO, Tripura University. Also directing the respondents to accord sanction to the medical reimbursement bills in total amounting to Rs.57,724/- (9,652+15,565+1,083+1713+9,541+20,170) submitted by the petitioner on 22.08.2022, 08.09.2022, 31.10.2022, 18.11.2022, 13.03.2023 and 20.03.2023 respectively, to the Finance Branch, Tripura University for the treatment of his dependent father, mother and wife, with interest @9% per annum from the date of submission of MR claims till the date of actual payment is made.

The petitioner has prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the Clause-1

of the Tripura University General Guidelines for medical referral of patient and claiming reimbursement.

ii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the letter dated 17.04.2023, issued by the Assistant Registrar & DDO, Tripura University.

iii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to accord sanction to the medical reimbursement bills in total amounting to Rs.57,724/- (9,652+15,565+1,083+1713+9,541+20,170) submitted by the petitioner on 22.08.2022, 08.09.2022, 31.10.2022, 18.11.2022, 13.03.2023 and 20.03.2023 respectively, to the Finance Branch, Tripura University for the treatment of his dependent father, mother and wife, with interest @9% per annum from the date of submission of MR claims till the date of actual payment is made.

iv. Make the rules absolute.

v. Call for records.”

By means of filing this petition the petitioner has sought for quashing and cancelling the Clause-1 of the Tripura University “General Guidelines for Medical Referral of Patients & Claiming Reimbursement”, as the said clause is absolutely hit by provisions of Article-14 & 21 of the Constitution of India as well as Central Services (Medical Attendance) Rules, 1944.

The petitioner sought for directing the respondents to release the benefit of medical reimbursement claims amounting to Rs.57,724/- only submitted by him in connection with the expenditure of the treatment of his dependent father, mother and wife with interest @9% per annum from the date of submission of respective claims till the date of actual payment is made. The petitioner also sought for quashing and cancelling the impugned letter dated 17.04.2023 issued by the respondent Tripura University.

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

Mr. S. Bhattacharjee, learned counsel appearing for the petitioner has submitted that the petitioner is entitled to get medical bills as per Guidelines for Availing Healthcare Services and General Guidelines for Medical Referral of Patients and Claiming Reimbursement contains separate

forms regarding claim and release of medical claims. Appendix-XIII & XIV are the part and parcel of the guidelines. Clause-8(d) of Appendix-XIII, says that whether consultations and/or injections were had at the hospital, at the consulting room of the medical officer or at the residence of the patient under the head of form of application for claiming refund of medical expenses incurred in connection with medical attendance and treatment of University employees and their families for medical attendance taken both from an authorized medical attendant and a hospital specifically disclose that the treatment being done under the medical consultant in his clinic is certainly eligible for medical claims.

As per Clause (a) (b) and (d) of Appendix-XIV, Certificate-A under the head of *"To be completed in the case of patients who are not admitted to hospital for treatment"* is categorically reflects that the consultations of the patients and/or administering injections at the consulting room of the concerned doctor or at the residence of the patients are also eligible to get medical claims. As per Clause (a) and (e) of Appendix-XIV Certificate B under the head of *"To be completed in the case of patients who are admitted to hospital for treatment"* is categorically reflects that the patient was admitted to a hospital on the advice of the concerned doctor and diagnosis were conducted at the hospital or laboratory as per the advice of the concerned doctor are also eligible to get medical claims.

Bare reading of the aforesaid clauses of the appendix indicates that there cannot be any ambiguity to the effect that if a treatment is done under the concerned doctor at his private clinic or at the residence of the patient is eligible to get medical bills for the treatment being done under the concerned doctor. Similarly, diagnosis and admission in any hospital or laboratory under the advice of the concerned doctor of the patient is eligible to get medical bills.

Having considered the submissions advanced by the learned counsel appearing for the petitioner, this Court is of the view that the ends of justice would be met if the petition is allowed by setting aside the impugned order dated 17.04.2023 issued by the Assistant Registrar & DDO, Tripura

University and thus, ordered. Consequently, the writ petition stands allowed. The respondents are directed to pay the medical bills as prayed for by the petitioner within a period of two months from the date of receipt of the copy of this order if, the bills as placed by the petitioner before the respondents are not disputed otherwise.

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

JUDGE

A. Ghosh

