

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.378 OF 2021**

Sri Ashoke Datta

..... **Petitioner(s).**

Vs.

The State of Tripura and ors.

..... **Respondent(s).**

For the Petitioner(s) : None.

For the Respondent(s) : Mr. H. Sarkar, Advocate.

Date of hearing and delivery of
Judgment & Order : 24.02.2023

Whether fit for reporting : YES/NO.

**HON'BLE THE CHIEF JUSTICE(ACTING)
JUDGMENT AND ORDER(ORAL)**

The Case of the petitioner herein is that he is in service as Junior Engineer under the respondent No-3 herein i.e., the Executive Engineer, Water Resource Investigation, Government of Tripura, Kunjaban, Agartala P.O.- Kunjaban, P.S.- Secretariat, Agartala, Tripura West, Pin-799006. After joining his service, the petitioner completed 31 years of service successfully and satisfactorily without any blemish. On 23.11.2009, while the petitioner and his daughter were standing beside the road at Paradise Chowmuhani to avail school bus of his daughter, a serious accident took place when a CANTER (Mini Truck) dashed the petitioner and his daughter at high speed. The petitioner was

taken to Kolkata having been referred by the Medical Board and was treated at Peerless hospital as no seat no available with SSKM. After his return, it was found that the right side of his body has been seriously affected and he was sent to the Medical Board. The Medical Board referred the petitioner to the National Institute of Mental Health and Neuro Sciences, Bangalore (in short, NIMHANS). The petitioner was treated at NIMHANS for more than 1(one) month as an indoor patient. This process continued up to the year 2016 twice a year. The expert neurological physicians of NIMHANS advised the petitioner for a major operation on the brain. The petitioner being helpless continued his treatment at GBP Hospital Agartala. The District Disability Board after careful examination found that the petitioner is suffering from 90% permanent disability. The petitioner was again and again referred to NIMHANS, for his neurological treatment up to 16.12.2019 on various spells and he was treated therein. After treatment, at NIMHANS, he placed his medical reimbursement bills to the respondents. But till date, those reimbursement bills are not paid to the petitioner. Thereafter, due to financial distress, he was treated in Agartala.

2. The petitioner thereafter found that he is suffering from serious ophthalmological problems developed due to neurological issues and was referred to SUSRUT, Hospital

Kolkata, wherein he was also treated on several spells from 03.07.2018 to 10.10.2018. Thereafter, the petitioner placed his Medical reimbursement Bills, but till date, those were not paid to the petitioner. On the basis of expenses, done for his treatment under valid referral certificate issued by the Medical Board, of AGMC & GBP Hospital Agartala, the petitioner placed his Medical reimbursement bills to the respondents up to 07.08.2020. But till date, the medical reimbursement bills of the petitioner have not been paid. As such, the petitioner has filed this instant petition and prayed for the following reliefs:-

"(i) As to why a writ of certiorari or a similar direction, shall not be issued for directing the respondent to produce the all records, regarding the all pending Medical expenses reimbursement Bills submitted from 25.02.2016 to 07.09.2020.

(ii) As to why Writ of Certiorari or a order of similar direction to the State Respondents should not be issued directing them to produce all records regarding all pending T.A. Bills submitted by the petitioner from 25.02.206 to 07.09.2020 spent for the treatment outside the state under reference.

(iii) As to why a Writ of Mandamus or a similar direction should not be issued to the respondents directing them to immediately pay all the pending medical reimbursement bills along with T.A. Bills from 25.02.206 to 07.09.2020 total amounting to Rs.393,063.00/-

(iv) Pass any other order or orders as may be deemed fit and proper for the ends of justice."

3. None appears for the petitioner. Heard Mr. H. Sarkar, learned counsel appearing for the State-respondents.

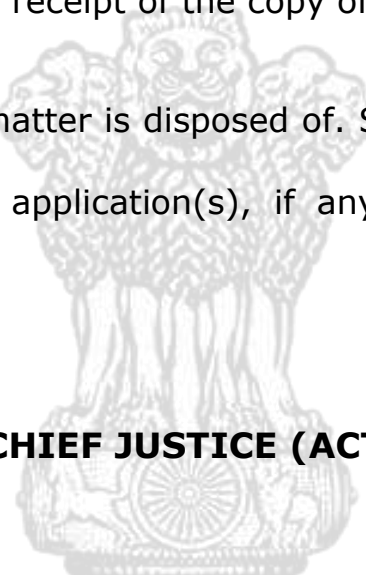
4. Mr. Sarkar, learned counsel appearing for the State-respondents submits that the bills as submitted by the petitioner herein which are in order have already been passed before the filing of this writ petition. But there are some discrepancies in

some of the Medical Reimbursement bills submitted by the petitioner.

5. Heard learned counsel appearing for the State-respondents as well as perused the evidence on record. The State-respondents are directed to consider the case of the petitioner herein with regard to Medical Reimbursement Bills after proper verification. Before releasing the same, the concerned respondent shall give an opportunity to the petitioner for proving his claims. This exercise shall be completed within a period of 2(two) months from the date of receipt of the copy of this order.

6. Accordingly, the matter is disposed of. Stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)



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