

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.409 of 2022**

Sri Dulal Chandra Banik

Petitioner(s)

VERSUS

The State of Tripura & 2 Ors

Respondent(s)

For Petitioner(s) : Mr. D. Paul, Advocate

For Respondent(s) : Mr. P. Gautam, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

24.07.2023

Heard Mr. D. Paul, learned counsel appearing for the petitioner.
Also heard Mr. P. Gautam, learned counsel appearing for the respondents
and perused the evidence on record.

[2] This is a petition filed under section 226 of the Constitution of India seeking the following reliefs:-

- I. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders, direction/directions of like nature shall not be issued whereby quashing the letter dt.02.05.2022, issued by the Executive Officer, Tripura State Co-operative Union, whereby the Medical Reimbursement & T.A Bill of the Petitioner for Rs. 2,01,813/- had been returned.
- II. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders, direction/directions of like nature shall not be issued whereby directing the Respondents to sanction Medical Reimbursement & T.A. Bill for Rs. 2,01,813/- submitted by the Petitioner, with 12% interest thereon, w.e.f the date on which the Medical Reimbursement Bill became payable till the date on which payment is made.
- III. Call for records pertaining to the instant Writ Petition from the custody of the Respondents.
- IV. Make the Rules absolute after hearing the Parties.
- V. Pass any other order/orders as this Hon'ble High Court may consider fit and proper.

[3] Mr. D. Paul, learned counsel for the petitioner further submits that earlier when petitioner made medical claim, the same was considered. In view of the approval of the earlier bills, the present WP(C) may be allowed.

[4] On the contrary, Mr. P. Gautam, learned counsel appearing for the respondents submit before this Court that the State policy pertaining to medical reimbursement cannot be made applicable and the respondent society cannot be trusted upon with the bills of the petitioner. Further it is contended by Mr. P. Gautam, that Tripura State Co-operative Union has its own policy and administrative guidelines indicating granting an allowance of Rs.500/-(Rupees Five hundred) only per month towards the medical allowances to its employees. In view of the same, the claim made by the petitioner needs to be rejected.

[5] Mr. P. Gautam further contended that the earlier bills were sanctioned in favour of the present petitioner was a mistake committed by the then officer and it doesn't mean that once an error has been committed, it should be repeated and the petitioner be extended the benefit to which he is not entitled to under law.

[6] In view of the above discussion, the impugned rejection order dated 2nd May 2022 has been set aside since the order dated 02.05.2022 issued under reference No.F.3(23)/TSCU/90 (Vol-III)/818-20, by the Executive Officer, Tripura State Co-operative Union is an unreasoned order and does not indicate the reason as to why the petitioner's case is rejected. The resolution of the committee is also not made available along with this said rejection order.

[7] It is further to be noted that the Government of Tripura has issued amended notification with regard to the medical reimbursement bills and in the light of the same the case of the petitioner needs to be

reconsidered. This exercise shall be completed within a period 02(two) months from the date of receipt of the copy of this order.

[8] Without expressing any opinion on the merits of the case and with regard to entitlement of the petitioner, this writ petition is disposed of. Accordingly the official- respondent is directed to consider the case of the petitioner in accordance with law and to pass a reasoned order and to communicate this same to the petitioner within a period of 02 (two) months from the date of receipt of the copy of this order.

[9] Accordingly the matter is remanded back.

[10] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stand disposed of.

JUDGE

Paritosh

**DIPAK
DAS**

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by DIPAK DAS
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