

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.419 OF 2023**

Shri Dilip Das
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mrs. P. Chakraborty, Advocate.

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.

13.07.2023

Order

The brief fact of the case herein is that the petitioner worked as an Assistant Teacher under the respondents and retired from the said post on 30.09.2022 on attaining the age of superannuation. The wife of the petitioner is a homemaker who is totally dependent on the petitioner for her treatment and worldly needs. The wife of the petitioner developed acute Cirrhosis of liver and for which she needed immediate liver transplantation. Being referred by State Medical Board she was sent to Medanta Medicity Hospital, Gurgaon but that hospital could not arrange any suitable liver for transplantation. So, the petitioner registered the name of his wife in BGS, Gleneagles Hospital Bangalore, where her liver transplantation was done on 15.07.2022. After return to home, the petitioner submitted 11(eleven) bills to respondent No.5 amounting to Rs.24,26,711/- for Medical Reimbursement. But the respondents vide letter dated 20.04.2023 rejected the said Medical Reimbursement bills. Hence, the present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

" i. Admit the petition and issue Rule NISI upon the respondents to show cause as to why a Writ of Certiorari shall not be issued canceling/quashing the decision of the Respondent No.3 contained his letter dated 20.04.2023(Annexure-7) being arbitrarily and unreasonably one.

AND

ii. As to why a Writ of mandamus shall not be issued commanding upon the respondents to allow the petitioner to resubmit the Medical Bills in question for reimbursement and to release the amount of bill supported by the documents by fixing a definite time frame, with interest as may be considered appropriate by this Hon'ble Court.

AND

iii. Any other orders or directions as this Hon'ble Court deems fit and proper may kindly be passed.

AND

iv. Issue Writ(s) in the lights of the prayer made above and make the Rule absolute."

Heard Mrs. P. Chakraborty, learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A. appearing for the respondents.

In the letter dated 20.04.2023, the respondents while rejecting the claim of the petitioner categorically stated thus:-

" I would inform you to follow para-A(ii) of Finance Department, Govt. of Tripura memorandum No.F(10)-FIN(G)/75-I dated 09.08.2005 & para-(E/DHS/ESTT/M/2022) dated 22.12.2022. Where it is clearly mentioned that:-

" (e) Medical reimbursement expenses to Group-C & d of the State Government employee himself/herself or any member of his/her family suffers from cancer and is referred to particular medical institution/hospital outside the State on being referred by the State Standing Medical Board, Govt. of Tripura but undertakes the treatment at some other Institution/Hospital his/her own choice/violation, he/she be entitled to get reimbursement for treatment/investigation(s) undertaken at the rates of their referred institutions including journey expenses for the purpose of existing T.A. Rules"....."

This Court vide Judgment and Order dated 13.07.2023 in WP(C) No.1096 of 2022 had passed a detailed order in connection with the issues involved in this writ petition. The said WP(C) No.1096 of 2022 was allowed in the following terms:-

"[27] Earlier, the Government has taken a decision that the employees got treated in the referral hospital by obtaining referral from the Standing Medical Board and at a later stage, this Court has called the Principal Secretary, Medical Board and in this regard, series of writ petitions came before this Court and this Court summoning the Principal Secretary to seek his response and accordingly, the concerned person was present before the Court and thereafter, the Government has issued the modified notification relaxing the requirements of referral hospitals and allowed the employees to get treatment without any medical referral. Now, the issue before this Court which falls for consideration is by virtue of the memorandum dated 22.12.2022 which is the subject matter challenged in the present petition by way of an amendment to the prayer that the spouse the petitioner herein being an employee of Group-D denied of her medical expenses.

[28]It cannot be denied that in the event of any medical expense to the same extent, the affordability of Group-A and B as per memorandum dated 22.12.2022 of the State Government, they can affordable to bear the expenses for medical purpose but, insofar as Group-D employees are concerned even if it is a paltry amount following towards the medical

expenses would be grave burden to the said employees. Hence, it becomes immense essential and the need of the day for reconsidering the same decision indicated in the memorandum. Accordingly, the respondents shall reconsider the issue in the light of the above."

Accordingly, in view of the above, this present writ petition is allowed and thus disposed of in the light of the Judgment and Order dated 13.07.2023 passed by this Court in WP(C) No.1096 of 2022.

As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

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SUHANJIT SINGHA
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