

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 615 of 2023

Goutam Datta

---Petitioner(s)

Versus

The State of Tripura and 3 Others

---Respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate. Mr. K. Nath, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

09.10.2023

Heard learned counsel for the parties.

[2] This is an application under Article 226 of the Constitution of India seeking 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 and/or direction/directions of like nature shall not be issued whereby directing the respondents to reimburse MR Bill for Rs.2,93,230/- to the petitioner alongwith 9% interest thereon from the date of submission till the payment is made to the petitioner.*
- (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 the letter, dated 02.09.2023 issued by the Medical Superintendent and Head of Department, AGMC & GBP Hospital.*
- (iii) *Make the rules absolute.*
- (iv) *Call for records*
- (v) *Pass any further order/orders as this Hon'ble High Court considered fit and proper.*

[3] The brief facts of the petitioner is that the petitioner along with family members went for LTC trip from Agartala to Bengaluru. During the tour, when the petitioner along with his family members were in Bengaluru, the daughter of the petitioner Ms. Sneegdha Datta suddenly became seriously ill and on urgent basis Ms. Sneegdha Datta

the daughter of the petitioner was taken to Narayaan Hrudayala Hospital, Bengaluru and consulted with Dr. Suresh PV (Pediatric Cardiologist). Dr. Suresh PV diagnosed the daughter of the petitioner on 19.05.2023 and advised for admission. As per advice of the doctor, the daughter of the petitioner was admitted on 24.05.2023 and underwent treatment of Secundum ASD upto 26.05.2023. The petitioner was not in a position to travel back the State for getting the reference.

[4] After availing treatment of his daughter, the petitioner returned to Agartala. Thereafter, on 27.05.2023, the petitioner submitted MR bills for an amount of Rs.2,93,230/-. The petitioner also submitted representation to the Medical Superintendent, AGMC & GBP Hospital to accord ex-post facto approval for treatment of his daughter outside state during LTC tour. Thereafter, the Tripura Standing Medical Board, AGMC & GBP Hospital, rejected the prayer of the petitioner for obtaining ex-post facto approval.

[5] The Standing Medical Board absolutely failed to consider that as the daughter of the petitioner suddenly became ill in Bengaluru and it was a life threatening illness, there was no scope to bring back his daughter to Agartala for obtaining reference from the Standing Medical Board. Narayan Hrudayalaya Hospital, Bengaluru is one of the best Hospitals in the Country for specialized treatment for heart ailment and Doctors of the institution suggested immediate treatment of the daughter of the petitioner. If the daughter of the petitioner was not taken to Narayan Hrudayalaya Hospital, Bengaluru and was not given timely treatment, her life could not have been saved. Medical Board failed to consider, that it is a fit case for post facto reference. Aggrieved

by the said action of the respondents, the petitioner has approached this court filling the instant writ petition.

[6] After perusing the records, this court is of the opinion that ex-post approval of medical bills cannot be bar for considering the case of the petitioner. As per the documentary evidence placed before this court by way of an affidavit, it is evident that the petitioner belongs to Group B employee 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 staying outside the state with station leave permission. This court has also decided earlier in several matters that no appropriate instructions is required indicating that the medical reimbursement bills need not be necessarily referred through the penal doctors. The medical bills can be released provided the same is not disputed.

[7] Without any expressing any opinion on the merits of the case, the present case is disposed of directing the respondents to consider the case of the petitioner in accordance with law within a period of two months from the date of the receipt of the copy of this order.

[8] In view of the above, the instant writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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