

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.888 of 2022**

Rama Chakraborty,
care of Prabir Chakraborty,
resident of Srinagar, TV Centre,
Road No.5, P.O. A.D. Nagar, Pin-79903

.....Petitioner(s)

Versus

1. The State of Tripura,

to be represented by the Secretary, Department of
Health & Family Welfare, Government of Tripura,
New Secretariat Complex, P.S. New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura, Pin-799010

2. The Secretary, Finance Department,

Government of Tripura, New Secretariat Complex,
P.S. New Capital Complex, P.O. Kunjaban, Agartala,
West Tripura, Pin-799010

3. The Secretary, Law,

Law & Parliamentary Affairs Department,
Government of Tripura, 1st Floor, Room No.1105,
Secretariat Building, Agartala, West Tripura,
Pin-799006

4. The Deputy Legal Remembrancer & Deputy Secretary, Law,

Law & Parliamentary Affairs Department,
Government of Tripura, 1st Floor, Room No.1105,
Secretariat Building, Agartala, West Tripura,
Pin-799006

5. The Director of Health Services,

Health Directorate Building, 1st Floor,
Pandit J.N. Complex, Agartala, Tripura,
Pin-799006

6. The Member Secretary,

Tripura State Legal Services Authority (TSLSA),
East Bank of Melarmath Dighi, Agartala, West Tripura,
Pin-799001

7. The Deputy Secretary,

Tripura State Legal Services Authority (TSLSA),
East Bank of Melarmath Dighi, Agartala, West Tripura,
Pin-799001

**8. The Member Secretary,
Sadar Sub-Divisional Legal Services Committee,
Court Complex, Agartala, West Tripura, Pin-799001**

.....Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Adv. Mr. D. Paul, Adv.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A. Mr. R.G. Chakraborty, Adv.
Date of Hearing & Judgment & Order	:	27.04.2023
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order(Oral)

Heard Mr. P. Roy Barman, learned senior counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents No.1 to 5 and Mr. R.G. Chakraborty, learned counsel appearing for the respondents No.6 and 7.

2. By means of this writ petition the petitioner has prayed for necessary directions from the Hon'ble High Court upon the respondents to sanction and release the Medical Reimbursement Bill for a sum of Rs.2,39,753/- and TA Bill for Rs.10,796/- in favour of the petitioner. The petitioner has also prayed for necessary direction quashing and setting aside the letter dated 30.06.2022 issued by the D.L.R. and Deputy Secretary, Law, Government of Tripura.

3. The petitioner is serving as a Head Clerk under the Tripura State Legal Services Authority. The petitioner is posted at Sadar Sub-Divisional Legal Services Committee, Sadar, Agartala.

4. The L.R. & Secretary, Law, Government of Tripura vide notification dated 12.12.2012 conveyed to all concerned, that in exercise of the powers conferred by Section 28(2) of the Legal Services Authorities Act, 1987 read with Rules 9, 12(1), 14 & 17 of Tripura State Legal Services Authorities Rules, 1998, the State Government, in consultation with the Chief Justice of the Gauhati High Court, has made the Tripura State Legal Services Authority (Conditions of Services and the Salary and Allowances of the Officers and other Employees) Rules, 2012, to regulate the method of recruitment and prescribe the salary and allowances and other conditions of service of the officers and other employees of the Tripura State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities and the Sub-Divisional Legal Services Committees. The said notification was published in Tripura Gazette Extra ordinary issue dated 13.12.2012.

5. Rule 14 of the Tripura State Legal Services Authority (Conditions of Services and the Salary and Allowances of the Officers and other Employees) Rules, 2012 provides Conditions of service and the Salary and Allowances of Officers and other Employees, in the following manner :

- "i) The officers and other employees shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts;**
- ii) In all matters like age of retirement, pension, Death-cum-Retirement Gratuity, pay and allowances, leave, other benefits and entitlements the officers and other employees shall be governed by the State Government rules as are applicable to persons holding equivalent posts.**
- iii) The officers and other employees shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government, from time to time."**

6. The petitioner was referred by Standing Medical Board for treatment outside Tripura. Vide referral certificate, dated 20.09.2021, issued by the Standing Medical Board, the petitioner was referred to Medical Hospital, Kolkata/RTIICS, Kolkata, as the petitioner for her treatment. The petitioner was suffering from heart ailment. Being so referred, the petitioner availed treatment at Medica Hospital, Kolkata. The petitioner underwent heart surgery at Medica Hospital, Kolkata. After availing treatment at Medical Hospital, Kolkata and after returning to Agartala, the petitioner vide forwarding letter dated 20.12.2021, submitted MR Bill for Rs.2,39,753/- to the Member Secretary, Tripura State Legal Services Authority, through proper channel. Along with the forwarding letter, the petitioner supported MR bills, duly certified by the concerned authority of Medica Hospital. The petitioner has also submitted money vouchers, receipts, to substantiate her claim of medical reimbursement for Rs.2,39,753/-.

7. Be it mentioned here that the petitioner submitted her claim for MR Bill in a prescribed format of application claiming refund of medical expenses incurred in connection with Medical Attendance and Treatment of Central Government Servant and their families. Thereafter, the Member Secretary, Sadar, Sub-Divisional Legal Services Committee, vide letter dated 22.12.2021 forwarded the MR Bills submitted by the petitioner to the Member Secretary, Tripura State Legal Services Authority. The petitioner is also entitled to medical reimbursement as the petitioner is covered by the Central

Services (Medical Attendance) Rules, 1944, which has been adopted by the State of Tripura and is applicable to State Government employees as well.

It appears that the Deputy Secretary, TSLSA, Agartala, vide letter dated 07.02.2022 forwarded MR Bill of Rs.2,39,753/- and TA Bill for Rs.10,796/-, submitted by the petitioner to DLR & Deputy Secretary, Law, Government of Tripura, for taking necessary action. In this letter, it is stated that Smt. Rama Chakraborty, Head Clerk, Group-C, TSLSA, i.e., the petitioner herein, attached to Office of the Sadar, Sub-Division Legal Services Committee, Sadar, Agartala, has submitted MR bill of Rs.2,39,753/- and TA Bill for Rs.10,796/-, after availing treatment regarding cardiac operation at Medica Super Specialty Hospital, Kolkata, Mukundapur. It is also mentioned in the letter that the petitioner was referred by the Chairman, State Referral Board, AGMC & GBP Hospital, Agartala & Director of Health Services, Government of Tripura. In the said letter, it is further stated that at present, Smt. Rama Chakraborty is serving under TSLSA as Head Clerk, Group-C under regular scale of pay of Rs.5700-24000/- and GP Rs.4200/-. In that letter, it is further stated that in terms of Memo, dated 09.08.2005, issued by the Finance Department, Government of Tripura, Smt. Rama Chakraborty, Head Clerk, being a Group-C employee, is entitled to get Medical Reimbursement facility. It is further stated that in the said notification dated 08.05.2018, issued by the Government of Tripura it is mentioned that entitlement of medical allowance shall depend on the erstwhile Grade Pay or Level of Pay matrix applicable to the post in which the concerned Government employee has

been appointed substantially. Stating so, by that letter, the Deputy Secretary, TSLSA, sought for clarification regarding admissibility of MR Bills submitted by the petitioner. The petitioner is entitled to medical reimbursement. The petitioner is not getting any medical allowance.

8. The D.L.R. and Deputy Secretary, Law, Government of Tripura, vide letter dated 30.06.2022, communicated to the Deputy Secretary, TSLSA, regarding MR bill and TA bill amounting to Rs.2,39,753/- & Rs.10,796/- submitted by the petitioner. From that letter, it is found that the matter regarding sanctioning of MR Bills submitted by the petitioner was submitted to the Finance Department, Government of Tripura for their concurrence, and in turn, the Finance Department has regretted the proposal as TSLSA is not a department under the State Government. The petitioner had been eagerly waiting for sanction and release of MR bills amounting to Rs.2,39,753/-. But the petitioner had not been informed about the status of her MR bills. In view of that, the petitioner by submitting a letter dated 28.07.2022 approached the Member Secretary, Tripura State Legal Services Authority, through proper channel. By that application, the petitioner has stated that she has submitted medical bills in connection with expenditure incurred by her for her treatment at Medica Super Specialty Hospital, Kolkata, Mukundapur. The petitioner has further stated that she has been informed that the matter had been sent to the Hon'ble LR & Secretary, Law, Government of Tripura, Agartala, for consideration, but is unaware of any decision taken in this regard. For this

reason, the petitioner requested to the Member Secretary, to inform the status of her application dated 20.12.2021.

9. It appears that the D.L.R. and Deputy Secretary, Law, Government of Tripura vide letter dated 07.09.2022 informed the Member Secretary, TSLSA, that Finance Department has declined to give concurrence for sanctioning of MR & TA Bills submitted by Smt. Rama Chakraborty, i.e., the petitioner herein. The Deputy Secretary, TSLSA, vide letter dated 20.09.2022 informed the petitioner that the Finance Department has held that the petitioner is not entitled to MR Bills and along with letter, the letters of Law Department, conveying the messages of Finance Department, were also enclosed.

10. Rule 14(i) of the said Rules of 2012 makes it clear and without any ambiguity or doubt, that, pay and allowances of the petitioner would be like that of the employees of the State Government. Rule 14(ii) has specifically provided that, in all matters like age of retirement, pension, Death-cum-Retirement Gratuity, pay and allowances, leave, other benefits and entitlements, the officers and other employees covered by the Rules, 2012 shall be governed by the State Government rules as are applicable to persons holding equivalent posts. Rule 14(iii) makes it very clear that, the officers and other employees, covered by the Rules of 2012 shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government, from time to time.

11. The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities to provide free and competent legal services to the weaker section of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

12. It is the mandate of Section 6 of the Act, 1987 that every State Government shall constitute a Legal Services Authority for the State to exercise the powers and perform the functions conferred on a State Authority under the Act, 1987. The State Authority shall consist of the Hon'ble Chief Justice of the High Court who will be the Chairman of the State Authority, or any other serving or retired Judge of the High Court to be nominated by the Governor in consultation with the Chief Justice, and as such, other members possessing such experience and qualifications as may be prescribed and nominated by the State Government. As such, the Tripura State Legal Services Authority has been constituted by the Government of Tripura as per the mandate of Section 6 of the Act, 1987, and the petitioner being an employee of the Tripura State Legal Services Authority, under the Tripura State Legal Services Authority (Conditions of Services and the Salary and Allowances of the Officers and other Employees) Rules, 2012, is an employee of the Government of Tripura, and is entitled to Medical Reimbursement which is admissible to similarly situated employees of the State Government.

13. The Joint Secretary to the Government of Tripura in the Finance Department issued Memo dated 09.08.2005, the subject matter of the said memo is medical reimbursement facility to Group-C & Group-D Government employees for treatment as referred case outside the State and also for treatment of Cancer in the Cancer Hospital of the State. By the said memorandum, clarification has been given to the effect, that, when a Group-C or Group-D Government employee, himself or herself suffering from disease other than cancer, is referred to Medical Institution or Hospital to which he or she is referred to the cost of treatment in that Institution or Hospital excluding the cost of journey, is admissible for reimbursement. The said memorandum also provides that the reimbursement facility for implanting of pacemaker as provided in Memo dated 26.02.1996 and Memo dated 24.05.1997 for Group-C and Group-D employees shall continue to be admissible, subject to limit fixed therein. The memorandum dated 01.08.2007 issued by the Under Secretary to the Government of Tripura in the Finance Department, it has been clarified that whenever a Group-C or Group-D employee, duly referred by the Standing Medical Board to a particular institution for medical treatment undertakes the medical treatment at some other institution of his or her own volition, he or she shall be entitled to get medical reimbursement which shall be limited to the treatment cost at the rates of the referred medical institutions or hospitals including journey expenses.

14. According to the petitioner, Right to Life is a fundamental right of every Indian citizen as enshrined under Article 21 of the Indian Constitution. It is an obligation cast on the State to provide adequate medical service to the people under Article 47 of the Constitution of India. According to the petitioner, the respondents have illegally regretted the MR Bills for Rs.2,39,753/- submitted by the petitioner, being oblivious of the fact, that, the Tripura State Legal Services Authority has been constituted as per the mandate of the Legal Services Authorities Act, 1987, and so far as conditions of services & pay and allowances of the petitioner is concerned, the petitioner, being an employee of TSLSA, is at par with her counterparts in other Departments of the State Government.

15. Having heard the learned counsel appearing for the parties this court is of the considered opinion that the petitioner is entitled to medical reimbursement benefits as according to this Court The L.R. & Secretary, Law, Government of Tripura vide notification dated 12.12.2012 conveyed to all concerned, that in exercise of the powers conferred by Section 28(2) of the Legal Services Authorities Act, 1987 read with Rules 9, 12(1), 14 & 17 of Tripura State Legal Services Authorities Rules, 1998, the State Government, in consultation with the Chief Justice of the Gauhati High Court, has made the Tripura State Legal Services Authority (Conditions of Services and the Salary and Allowances of the Officers and other Employees) Rules, 2012, to regulate the method of recruitment and prescribe the salary and allowances and other conditions of service of the officers and other employees of the

Tripura State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities and the Sub-Divisional Legal Services Committees. The said notification was published in Tripura Gazette Extra ordinary issue dated 13.12.2012.

16. Rule 14 of the Tripura State Legal Services Authority (Conditions of Services and the Salary and Allowances of the Officers and other Employees) Rules, 2012 provides Conditions of service and the Salary and Allowances of Officers and other Employees, in the following manner :

**"i) The officers and other employees shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts;
ii) In all matters like age of retirement, pension, Death-cum-Retirement Gratuity, pay and allowances, leave, other benefits and entitlements the officers and other employees shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
iii) The officers and other employees shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government, from time to time."**

17. Moreover, in terms of Memo, dated 09.08.2005, issued by the Finance Department, Government of Tripura, Smt. Rama Chakraborty, Head Clerk, being a Group-C employee, is entitled to get Medical Reimbursement facility. It is further stated that in the said notification dated 08.05.2018, issued by the Government of Tripura it is mentioned that entitlement of medical allowance shall depend on the erstwhile Grade Pay or Level of Pay matrix applicable to the post in which the concerned Government employee has been appointed substantially. Stating so, by that letter, the Deputy Secretary, TSLSA, sought for clarification regarding admissibility of MR Bills submitted by the petitioner. The petitioner is entitled to medical

reimbursement. As such, the employees of State Legal Services is also part and parcel of the said reimbursement benefits. The respondents are directed to consider the case of the petitioner for releasing the medical reimbursement as early as possible, preferably within a period of two months from today.

Having observed thus, the writ petition is allowed and disposed of.

JUDGE

