

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 185 of 2024**

Shri Subrata Saha

.....Petitioner.

Versus

State of Tripura and others

.....Respondent.

For Petitioner(s) : Ms. R. Purkayastha, Advocate.

For Respondent(s) : Mr. SS Dey, Advocate General.
Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

23.04.2024

This writ petition is filed under Article 226 of the Constitution of India seeking following reliefs:

"I) Issue notice upon the Respondents;

II) Call for the records;

III) After hearing both the parties be pleased enough to direct the Respondents to make payment of Medical Re-imbursement bill dated 27.12.2021 of the petitioner amounting to Rs.4,88,242.00/- for undergoing treatment at Tata Memorial Centre (Tata Memorial Hospital) and Jupiter Lifeline Hospitals Ltd. (Allied and Collaborated with Tata Memorial Centre for the period w.e.f. 29.08.2021 to 30/11/2021 along with prevailing market rate of interest for fair ends of justice.

IV) COSTS of and incidental to this proceeding....."

[2] The case of the petitioner in brief is that he is a retired Head warder under the Home (Jail) Department, Government of Tripura. In the second week of the month of August, 2021 the wife of the petitioner, Smti Basana Roy Saha @ Basana Saha had fallen severely ill and after conducting few tests at Tripura Medical College, in short TMC, as Outdoor Patient on 13.08.2021, on 23.08.2021 the wife of the petitioner had been admitted in TMC as indoor patient as per advise of the concerned doctor. However, immediately thereafter on the very next day i.e. on 24.08.2021, she had been discharged from the said hospital on being diagnosed with Squamous Cell Carcinoma and that too in a very critical

stage. Accordingly, the wife of the petitioner had been advised to undergo treatment immediately at Tata Memorial Hospital.

[3] It is contended in the petition that on 29.08.2021, the wife of the petitioner had been brought to Tata Memorial Centre, Mumbai for treatment accompanied by the petitioner and their son wherein she had been treated at Tata Memorial Centre (Tata Memorial Hospital) and Jupiter Lifeline Hospitals Ltd. (Allied and Collaborated with Tata Memorial Centre), Thane, Maharashtra as per advice of the concerned doctor of Tata Memorial Hospital. For undergoing treatment of his wife, the petitioner had incurred an expense of Rs.4,88,242.00/- for undergoing treatment including travelling expense for the period w.e.f. 29.08.2021 to 30.11.2021. On 27.12.2021, had submitted the medical reimbursement bill in the prescribed format. The petitioner thereafter served legal notice dated 15.12.2023 upon the respondents. Thereafter, by letter dated 25.01.2024, the petitioner had been asked to resubmit the medical bills. Under communication dated 29.01.2024, the petitioner had resubmitted the Xerox copies of the medical bills but did not get any result. Aggrieved thereby, the petitioner has preferred this present petition for seeking the reliefs as quoted earlier.

[4] Heard Ms. R. Purkayastha, learned counsel for the petitioner. Also heard Mr. K. De, learned Addl. G.A. for the State respondents. On request, Mr. SS Dey, learned Advocate General after perusal of the records has assisted this Court.

[5] Ms. R. Purkayastha, learned counsel for the petitioner submits that the case of the medical treatment of the wife of the petitioner was that of life and death and she needed immediate urgent best medical treatment which is not available here in the State of Tripura. At that point of time, considering the life-threatening issue of his wife, the petitioner brought her to Tata Medical Centre for treatment which is the referral hospital listed by the Government of Tripura.

[6] Ms. Purkayastha, learned counsel for the petitioner further submits that the petitioner is legally entitled to reimbursement of the medical bills and the respondents are very much aware of the financial position of a retired employee. For a long time, earlier medical reimbursement bills have not been released and he has been suffering from severe financial stringency for which he is also not even in a position to carry out the regular procedural proper cancer treatment of his wife which is *inter alia* reducing the life expectancy of his wife. Learned counsel, therefore, urges this Court to allow the instant petition with all the reliefs as sought for.

[7] In all fairness, the learned Advocate General, Mr. S.S. Dey has submitted that the endeavor of the State is to attend the needy citizens on priority by relaxing any such conditions that would cause hindrance in providing medical assistance.

[8] On perusal of record, it is seen that on 27.12.2021, the petitioner had submitted the medical reimbursement bill in the prescribed format. Thereafter, reminders were issued to the respondents on several occasions. The petitioner after waiting for a long period of time, served legal notice dated 15.12.2023 upon the respondents. Thereafter, by letter dated 25.01.2024, the petitioner had been asked to resubmit the medical bills and by a communication dated 29.01.2024, the petitioner had resubmitted the Xerox copies of the medical bills, but did not get any result from the end of respondents.

[9] Thus, without going into the merits of this case, this Court directs the respondents to take a pragmatic view in this matter and to decide the same in accordance with law as expeditiously as possible preferably within a period of 15(fifteen) days from the date of receipt of copy of this order.

With the above observation and direction, the present writ petition is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE

Sabyasachi. G.

**SABYASACHI
GHOSH**

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