

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.424 of 2024

Sri Debottam Debnath, S/o Lt. Kumud Bandhu Debnath, R/o: Lake Chowmuhan Bazar, Radhanagar Road, Agartala, West Tripura-799001
.....Petitioner(s);

Versus

1. The State of Tripura, to be represented by the Secretary, Health and Family Welfare Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, PIN:799010
2. The Medical Superintendent, AGMC & GBP Hospital, Government of Tripura, Agartala, West Tripura, PIN:799010
3. The Director, Director of Health Services, Govt. of Tripura, Agartala, Tripura
4. The Principal/Chairman, Standing Medical Board, AGMC & GBP Hospital, Agartala, Pin:799010

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Ms. S. Deb Barman, Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/09/2024

Heard Mr. P. Roy Barman, learned senior counsel for the petitioner and Mr. Mangal Debbarma, learned Additional Government Advocate for the respondents-State.

2. The case of the petitioner has been succinctly recorded in the order dated 04.07.2024 and is extracted hereunder without further delineating on facts as due to subsequent developments being brought to the notice of this Court today on behalf of learned senior counsel for the petitioner, the writ petition can be disposed of without entering into further merits of the case:

“Ms. A. Debbarma, learned counsel for the petitioner submits that petitioner’s younger son was initially treated at IGM Hospital for stomach upset but he could not recover fully. He was suffering from acid peptic disease. Thereafter, petitioner took station leave permission and 14 days earned leave with effect from 12th May, 2023 to 25th May, 2023 granted by the HOD, AGMC and GBP Hospital and undertook the

treatment of his younger son at AIG Hospital, Hyderabad. The medical bills for treatment at Hyderabad have not been approved by the Standing Medical Board, AGMC & GBP Hospital in the absence of ex-post facto referral certificate vide letter dated 11.06.2024 (Annexure-15).

Learned counsel for the petitioner submits that as per the existing Medical Reimbursement Policy of the State contained in memorandum dated 22.12.2022, petitioner being a Group-B employee fulfils the criteria prescribed in paragraph- (b) for Ex-post facto approval by the Standing Medical Board as the treatment of his son was made in case of emergency and the petitioner had also taken station leave permission to undertake his treatment at Hyderabad.

The learned counsel for the State is allowed 3(three) weeks time to obtain instructions.

Accordingly, list the matter on **01.08.2024.**”

3. Though Counter Affidavit has not been filed in terms of the order dated 04.07.2024 and further indulgence granted on 01.08.2024, but it has been pointed out to this Court by learned senior counsel for the petitioner that during pendency of this petition, the Standing Medical Board, AGMC & GBP Hospital, Agartala has granted ex-post-facto approval to the treatment of the son of the petitioner at AIG Hospital, Hyderabad for choledochal cyst as the condition was emergency in nature and moreover as it appears, petitioner had also taken station leave to undertake his son's treatment at Hyderabad. The communication dated 09.08.2024 issued by the Principal/Chairman, Standing Medical Board, AGMC & GBP Hospital, Agartala is taken on record. Now that the Standing Medical Board has granted ex-post-facto approval to the treatment of the petitioner's son, his claim for reimbursement of the medical expenses for those treatment at the latest CGHS rates as also indicated by the Standing Medical Board would be considered and decided by the competent authority in a time bound manner preferably 6(six) weeks from the date of receipt of copy of this order.

4. The instant writ petition is accordingly disposed of.

(APARESH KUMAR SINGH), CJ

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