

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.564 of 2024

Sri Arjun Debnath, S/o- Late Rabindra Debnath, Resident of Noagaon,
Krishnanagar, P.O- Noagaon, P.S- NCC, Dist.-West Tripura, Pin-799006.

..... Petitioner(s).

VERSUS

1. The State of Tripura, represented by its Principal Secretary cum Commissioner, Government of Tripura, Department of Home Affairs (Police), P.O- Kunjaban, P.S- New Capital Complex, Dist.- West Tripura.
2. The Secretary cum Commissioner, Government of Tripura, Department of Home Affairs (Police), P.O- Kunjaban, P.S- New Capital Complex, Dist.- West Tripura.
3. The Finance Secretary, Department of Finance, Government of Tripura, having his office at Secretariat Complex, Gurkhabasti, P.O- Secretariat, P.S- New Capital Complex, Agartala, Dist.-West Tripura, Pin-799010.
4. The Director of Health Services, Health and Family Welfare Department, Government of Tripura, Agartala, West Tripura.
5. The Director General of Police (DIGP), Tripura, Agartala.
6. The Assistant Inspector General of Police (HQR), West Tripura, Agartala.
7. The Dy. Inspector General of Police(Southern Range), West Tripura, Agartala.
8. The Superintendent of Police (West), West Tripura, Agartala.

..... Respondent(s).

For Petitioner (s) : Mrs. S. Deb (Gupta), Advocate,
Ms. Rumpa Dey, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

ORDER

05/09//2024

Heard Mrs. S. Deb (Gupta), learned counsel together with Ms. Rumpa Dey, learned counsel for the petitioner and Mr. K. De, learned additional Government Advocate for the State-respondents.

[2] Petitioner, a constable in the Tripura Police, had to undergo treatment because of severe chest pain on 25.09.2023 in IGM Hospital, Agartala from where he was referred to AGMC & GBP Hospital on the same date. However, according to the petitioner, considering his seriousness, he was further referred to ILS Hospital, Agartala on the same date. Since his symptoms were not being cured, he was taken to Narayana Multispecialty Hospital, Bangalore on 14.10.2023. He was treated there. He had to undergo angioplasty and stents were inserted in the vessels of his heart. On 16.10.2023 he was discharged from the Narayana Multispecialty Hospital, Bangalore. For follow up he again went to the same hospital on 23.10.2023. In that process he incurred an expenditure of Rs.7,56,000/- for treatment at ILS Hospital, Agartala and Narayana Multispecialty Hospital, Bangalore. After his return, he is now well. He has submitted his application in the prescribed format for medical reimbursement to the concerned department. That was processed and forwarded by respondent No.7 on 01.02.2024 to the respondent No.8 for approval. On 03.06.2024 (Annexure-12) the respondent No.5 issued letter to the respondent No.8 and declined the claim for the reason that it is not admissible as per guidelines of the Health & Family Welfare Department, Government of Tripura vide memorandum dated 22.12.2022. The claim for TA was also declined vide communication dated 10.07.2024 (Annexure-13) issued by the respondent No.8 to the respondent No.7 as it is not admissible in view of the guidelines of the Health & Family Welfare Department, Government of Tripura.

[3] Mrs. S. Deb (Gupta), learned counsel for the petitioner submits that the impugned order of rejection do not consider the claim of the petitioner in proper manner in the light of the Medical Reimbursement Policy dated 22.12.2022. Reference is also made to the circular dated 04.05.2018

(Annexure-14) issued by the Health & Family Welfare Department, Government of Tripura which concerns treatment at ILS Hospital, Agartala. It is submitted that the impugned order does not show any application of mind to the claim of the petitioner and as such, it is unsustainable in law.

[4] Mr. K. De, learned additional Government Advocate for the State-respondents submits that the instant petition has been taken up for the first time today, therefore, instructions are awaited. However, he is not in a position to dispute that the impugned orders do not show any reasons as to why the claims are inadmissible under the guidelines of Health & Family Welfare Department, Government of Tripura as contained in memorandum dated 22.12.2022. In that way, the order is non-speaking and shows non application of mind. He submits that in case this Court feels it proper, the competent authority under the department may be asked to reconsider the claim of the petitioner and pass a reasoned order in accordance with law within a stipulated period.

[5] Having regard to the relevant facts referred to hereinabove and on consideration of rival submissions of the counsel for the parties and upon noticing that impugned orders dated 03.06.2024 and 10.07.2024 (Annexure-12 & 13) failed to specify the reasons as to why the claim for medical reimbursement is inadmissible under the guidelines of the Health & Family Welfare Department, Government of Tripura contained in memorandum dated 22.12.2022, this Court is of the opinion that the matter requires to be remanded to the competent authority/ respondent No.5 for reconsideration of the claim of the petitioner by passing a reasoned order. Accordingly, the impugned orders dated 03.06.2024 and 10.07.2024 (Annexure-12 & 13) are set aside. Needless to say the competent authority/respondent No.5 shall take a fresh decision in accordance

with law, preferably within a period of 8(eight) weeks from the date of receipt of a copy of this order.

[6] Accordingly, the instant petition is disposed of. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ

