

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.577 of 2023

Sri Manab De

S/O- Late Manindra Nath De, R/O- Ramnagar Road No.4,
East of Bani Vidya Pith School, P.O- Ramnagar, P.S- West Agartala,
District- West Tripura, Pin- 799002, Aged about- 55 years.

....Petitioner(s)

Versus

1. The State of Tripura,

Represented by its Special Secretary, General Administration (SA)
Department, Govt. of Tripura, P.O- Secretariat, P.S- New Capital Complex,
District- West Tripura, Pin-799010.

2. The Special Secretary,

Govt. of Tripura, G.A.(Political) Department, Govt. of Tripura, Secretariat,
Agartala, P.O- Secretariat, P.S- New Capital Complex, District- West
Tripura, Pin-799010.

3. The Secretary,

Finance Department, Govt. of Tripura, Secretariat, Agartala, P.O-
Secretariat, P.S- New Capital Complex, District- West Tripura, Pin- 799010.

4. The Under Secretary,

General Administration (SA) Department, Govt. of Tripura, Secretariat, P.O-
Secretariat, P.S- New Capital Complex, District- West Tripura, Pin- 799010.

....Respondent(s)

For Petitioner(s) : Mr. A. Bhaumik, Advocate

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

HON'BLE MR. JUSTICE ARINDAM LODH

Order

01/04/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner.
Also heard Mr. K. De, learned Addl. G.A. appearing for the State-
respondents.

2. The present writ petition has been filed by the petitioner against the
decision of the respondents denying the payment of medical reimbursement
bills which he submitted to his authority concerned.

3. It comes for fore that on receipt of the application for payment of
medical reimbursement bills, the State-respondents had made a
communication with the petitioner vide letter dated 03.08.2023 (*Annexure 9*
to the writ petition), which is reproduced here-under:-

"GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (SA) DEPARTMENT
SECRETARIAT: TRIPURA

No.F.21(29)-GA(SA)/2022/6585 Dated, Agartala, the 3rd August, 2023.

To
Shri Manab De,
Office Superintendent,
GA(Political) Department,
Secretariat, Tripura.

Sub:- Regarding medical re-imburement claimed by Shri Manab De, Office Superintendent for his treatment at ILS hospital, Agartala for amounting to Rs.4,39,530/-only.

Sir,

I am directed to refer to your letter NO.NIL dated on 22nd May, 2023 on the subject cited above and to inform you that the medical re-imburement bill as submitted by you has been received by this Department and found that you have not furnished the original bill/vouchers duly certified by the concerned doctor/hospital and you have not also furnished the M/R claim in the form prescribed for the purpose as these are necessary for processing a M/R claim by a govt. servant as per norms.

2) Moreover, it is also found that an amount of Rs.3(three) lakh has already been paid to ILS hospital by the SBI General Insurance. But you have claimed the said amount also.

3) You are, therefore, requested to furnish the M/R claim in the prescribed form along with original bill/vouchers and essentiality certificate duly authenticated by the concerned doctor/hospital to this Department for taking necessary action from this end.

4) The application along with Bill/vouchers as submitted by you is returned herewith. A copy of prescribed form for submission of M/R claim is also enclosed herewith for your convenience.

Enclo:-As stated.

*Yours faithfully
Sd/-
(CHANDAN DAS)
Under Secretary to the
Government of Tripura”*

4. On receipt of the above correspondence dated 03.08.2023, the petitioner has approached this Court on the ground that he was unable to produce the Essentiality Certificates in terms of Certificate ‘A’ and Certificate ‘B’(Annexure 4 to the writ petition) for the reason that his case was not a referred case, but under emergent situation he was compelled to receive appropriate treatment outside the State of Tripura.

5. Mr. De, learned Addl. G.A for the State-respondents submits that they have no objection to pay the medical reimbursement bills furnished by the petitioner if it is submitted in proper prescribed format. The application of the petitioner was rejected on the ground that he could not furnish the Essentiality Certificates.

6. At this juncture, Mr. Bhaumik, learned counsel for the petitioner has submitted that since the case of the petitioner was not a referral case, the insistence to furnish Essentiality Certificates, i.e. Certificate 'A' and Certificate 'B' is illegal, discriminatory and arbitrary.

7. From the submissions of learned counsel appearing for the petitioner, it also comes to fore that the petitioner did not furnish his application in the prescribed format issued by the Government of Tripura for granting medical reimbursement bills.

8. I have considered the submissions of learned counsel appearing for the petitioner. It is true that since the petitioner's case was not a referred case, it was not possible for him to furnish the information sought for in Certificate 'A' and Certificate 'B'. However, the petitioner has to submit his application in prescribed format applicable for the purpose of reimbursement of the medical bills. The petitioner will also seek for *ex-post facto* approval from the recognized Standing Medical Board of the Government of Tripura. It is directed that the respondents shall not press for production of Essentiality Certificates from the petitioner. However, the respondents are at liberty to verify the genuinity of the MR bills the petitioner produced before the respondents.

9. The petitioner is accordingly directed to submit necessary application as observed and directed here-in-above within a period of 2(two) weeks from today. The entire exercise as regards the reimbursement of medical bills submitted by the petitioner shall be completed by the respondents within a period of 3(three) months from the date of receipt of such application.

10. With the above observation and directions, the instant writ petition stands disposed.

JUDGE

Rohit