

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.602/2024

Manika Roy (Chakraborti), Wife of Late Debdas Chakraborti, Resident of
Joynagar Lane 2, Agartala, West Tripura, Pin-799001, (Age-49 years).
..... Petitioner(s).

V E R S U S

1. The State of Tripura, to be represented by the Secretary, Health & Family Welfare Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010.
2. The Secretary, Health & Family Welfare Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010.
3. The Secretary, Finance Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010.
4. The Secretary, Power Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010.
5. The Secretary, Tripura Electricity Regulatory Commission, Agartala, West Tripura, Pin-799001.
6. The Director of Health Services, Government of Tripura, Directorate of Health Services, Tripura P.N Complex, Gurkhabasti, Agartala, West Tripura, Pin-799006.
7. The Chairman, Standing Medical Board, Tripura, AGMC & GBP Hospital, Agartala, O/o the Principal, AGMC & GBP Hospital, Agartala, West Tripura, Pin-799006.
8. The Medical Superintendent, AGMC & GBP Hospital, Agartala, West Tripura, Pin-799006.

.....Respondent(s).

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Dipjyoti Paul, Advocate.
For Respondent(s)	: Mr. Kohinoor N Bhattacharyya, G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

03/10/2024

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr.
Dipjyoti Paul, learned counsel appearing for the petitioner and Mr. Kohinoor N
Bhattacharyya, learned Government Advocate appearing for the respondents-
State.

2. Petitioner has approached this Court with a prayer for quashing of the letter dated 28.08.2023 (Annexure-4) issued by the Principal/Chairman, Standing Medical Board, AGMC & GBP Hospital, Agartala whereby her case for ex-post facto referral for treatment of her husband at TATA Memorial Centre, Mumbai for cancer was rejected under clause (b) of the Medical Reimbursement Policy dated 22.12.2022.

3. This Court vide order dated 21.09.2024 extracted hereunder, allowed learned Government Advocate to seek instructions:

"Husband of the writ petitioner died on 12th February, 2023 during treatment at Tata Memorial Centre, Mumbai on account of cancer. He had gone for treatment by taking station leave but referral from the Standing Medical Board was not taken. He was a Group-C employee under the Power Department, Government of Tripura and at the time of death, was posted at Tripura Electricity Regulatory Commission, under the respondent No.5. The claim for medical reimbursement of petitioner's husband has been rejected by the Chairman of the Standing Medical Board vide order dated 28th August, 2023 (Annexure-4) on the ground that his case for ex-post facto referral could not be considered under Clause(b) of the medical reimbursement policy dated 22nd December, 2022 (Annexure-5).

Learned counsel for the petitioner submits that the impugned rejection order is without application of mind since the deceased was a Group-C employee and his case would fall under Clause-(f) of the said policy as he was suffering from first time cancer and had also gone out with station leave permission. Therefore, petitioner has approached this Court.

Mr. Kohinoor N Bhattacharya, learned Government Advocate prays for and is allowed short time to seek instructions.

Accordingly, matter is adjourned to be listed on **3rd October, 2024.**"

4. Learned Government Advocate has received a written instruction from the Principal/Chairman, Standing Medical Board, Agartala Government Medical College & GBP Hospital, Agartala through letter dated 27.09.2024 which has been produced and is taken on record. It reads as under:

"Subject:- Approval of ex-post-facto referral of your husband Lt. Debdas Chakraborti of Ward no.-11, Joynagar Lane 2, Agartala Municipal Corporation, Agartala & ref. dated-28/07/2023 & court case no.-WP(C) no.602/2024.

Sir/Madam,

This is to inform you that the Standing Medical Board, AGMC & GBPH has approved the ex-post-facto referral of your husband Lt.

Debdas Chakraborti of Ward no.-11, Joynagar Lane 2, Agartala Municipal Corporation at TATA Memorial Hospital, Mumbai Diagnosis is a Metastatic cancer Colon liver lesions (right lobe), bilobar lung lesions & RP nodes as the condition was emergency in nature (The Standing Medical Board has opined that the ex-post facto referral considered under clause (f) of the memo no.F(10-43A)-DHS/ESTT/MR/2022, Dt.-22/12/2022.).

Therefore, your application for ex-post facto referral is **approved** by the Standing Medical Board, AGMC & GBPH, Agartala (Reimbursement of treatment expenses at latest CGHS rates)."

5. Learned Government Advocate submits that the Standing Medical Board, AGMC & GBP Hospital, Agartala has granted approval to the ex-post facto referral for the treatment of the husband of the petitioner undertaken at TATA Memorial Centre, Mumbai for Metastatic cancer Colon liver lesions etc. reimbursable at latest CGHS rates.

6. Since the grievance of the petitioner has been redressed, learned counsel for the petitioner submits that the matter may be disposed of.

7. In that view of the matter, the writ petition stands disposed of.
Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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