



Serial No. 05
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 360 of 2024

Date of order: 26.02.2025

1. Union of India represented by the Secretary, ICAR, Krishi Bhavan, New Delhi-110001.
2. The Under Secretary (NRM), ICAR, Krishi Bhavan, New Delhi-110001.
3. The Director ICAR, Research Complex for NEH Region, Umroi Road, Umiam, Meghalaya-793103
4. The Chief Administrative Officer, ICAR Research Complex for NEH Region, Umroi Road, Umiam, Meghalaya-793103

...Petitioners

Vs.

Shri. Parimal Ghosh
Retd. Administrative Officer, ICAR, Ward No.1,
(House No. 74) Link Arbuthnot Road, Nongrim Maw Laitumkrhah,
Assam Rifles, East Khasi Hills, Shillong, Meghalay-793011.

...Respondent

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioners : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv.

For the Respondent : Mr. N. Dasgupta, Adv.
Mr. S.D. Upadhaya, Adv.

i) Whether approved for reporting in Law journals etc.: Yes

ii) Whether approved for publication in press: Yes



JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The respondent's wife is suffering from kidney failure. The respondent being a Central government employee, after taking approval of the competent authority of ICAR, Research Complex for NEH region, Umiam, got haemodialysis done at Bethany hospital, Shillong. Such procedure was carried out at the outpatient department (OPD) of the hospital.

On 21st December, 2020, the respondent had written to the authorities in New Delhi to extend him benefits of cashless medical treatment facilities under CGHS and in the interim period till the facility was granted, fixed medical allowances may be withdrawn and medical expenditure reimbursement facility for both indoor treatment and outdoor treatment from any recognised centre may be extended to him. In fact, in the affidavit-in-opposition filed by the Central government, it has said that this switch over is possible.

Under the medical policy of ICAR availed of by the respondent and his family members who were covered by the policy were granted fixed medical allowance (FMA) per month. The policy did not allow reimbursement of OPD bills. This was pointed out in a letter dated 20th October, 2022 by the Under Secretary of the Indian Council of Agricultural Research, Krishi Anusandhan Bhawan-II, New Delhi.

The pending bills for dialysis as on that date and even subsequently have not been paid on that ground.

We have taken note of the submissions of learned counsel for the respondent that the dialysis process although carried out at the OPD of the hospital consumes at least four to six hours every day. The patient has to lie in bed and undergo the procedure.



We direct Bethany hospital, Shillong to treat the haemodialysis process undergone by the respondent's wife as one on hospitalisation, correct the records accordingly and issue a certificate to that effect to the respondent within two weeks of communication of this order. On the basis of the above, the hospital will issue revised bills which have already been paid, showing them as paid. The respondent will be at liberty to present those bills to the petitioners to seek reimbursement, which shall be made within four weeks of presentation of those bills. Furthermore, the petitioners shall process the application made by the respondent by his letter dated 21st December, 2020 (at page 89 of the writ petition) and allow the respondent to withdraw from the scheme providing fixed medical allowances and avail of the one where medical expenditure reimbursement facility for both indoor treatment and outdoor treatment as per the CS (MA) Rules is provided. Such conversion should be made within four weeks from communication of this order. At the time of payment of the dialysis bills, all monthly payments made to the respondent shall be deducted.

This writ petition is disposed of accordingly.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice