

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 898 of 2022

Smt. W. Nichupelu

.....Petitioner/s

- Versus -

State of Manipur & 3 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

12.03.2026

[1] Heard Mr. Seto T Kom, learned counsel along with Mr. Karung H. Kom, learned counsel for the petitioner and Mr. Th. Sukumar, learned G.A. for the State respondent.

[2] The petitioner is the widow of deceased Government Employee namely Shri W. Thomas, who was serving as Grade-IV employe in the Primary Health Centre (PHC in short) of Jessami, Ukhrul, under the Medical Directorate, Manipur, Government of Manipur. As the deceased employee was sick for some time, he attended the Out Patient Dept. (OPD in short) of Jawaharlal Nehru Institute of Medical Sciences & Hospital, Porompat, Imphal East (JNIMS) on 12.11.2018 and he was diagnosed of sickness as Chronic Liver Disease (CLD) for which the treating Doctor referred the deceased employee to the Higher Centre with facilities for (a) TACE (Transcatheter Arterial Chemoembolisation, where small embolic particles coated with Chemotherapeutic drugs are injected through Catheter), (b) RFA (Radiofrequency Ablation) in which radio waves are used to create a current heats in a small area of nerue tissues. The heat destroys that area of the nerue, stopping it from

sending pain signals to the brain and (c) LDLT (Living Donor Liver Transplantation).

[3] As the above treatment facilities were not available in JNIMS, RIMS and other Govt. Hospitals of Manipur, the deceased employee was treated at a private hospital namely Sky Hospital & Research Centre, RIMS Road, Imphal West, since 29.11.2018 and discharged on 02.12.2018. In the second phase of treatment, the deceased employee was treated at Sky Hospital from 13.08.2019 and discharged on 16.08.2019. During these two phases of treatment, the deceased employee was given TACE treatment at Sky Hospital as advised by the treating Doctor of JNIMS. However, the Government employee succumbed to his illness on 30.11.2019.

[4] Thereafter, the medical reimbursement for the treatment was submitted to the State Authority through the Chief Medical Officer, Ukhrul to the Chairman of State Medical Board, Medical Directorate vide letter dated 12.09.2019 for a sum of Rs. 2,72,068/- for the first phase of treatment and for the second phase of treatment, a sum of Rs. 1,06,315/- was submitted through the Chief Medical Officer, Ukhrul vide letter dated 17.03.2021 to the Chairman of State Medical Board. In respect of first claim of medical reimbursement submitted on 12.09.2019, the same was rejected vide letter dated 18.01.2022 issued by the Directorate of Health Services, Manipur to the Chief Medical Officer, Ukhrul on the ground that Sky Hospital and Research Centre is not a Government empanelled hospital for the treatment of HCC and TACE for the treatment conducted with effect from 29.11.2018 to 02.12.2018 and vide another letter dated 18.01.2022, the Directorate of Health Services, Manipur informed the Chief Medical Officer about the rejection of medical reimbursement submitted on 17.03.2021 for the second phase of treatment conducted at Sky Hospital with effect from 13.08.2019 to 16.08.2019 for HCC and TACE as the same hospital is not empanelled by the Manipur Government.

[5] By the present writ petition, the petitioner who is the widow of the Government employee prays for quashing the impugned orders both dated 18.01.2022 at Annexure-A/7 & A/8 rejecting the claim of medical reimbursement for two phases of treatment conducted at Sky Hospital for HCC & TACE.

[6] The State respondent filed counter affidavit, inter-alia, stating in para 6 that the Sky Hospital and Research Centre where the Government employee undergone treatment for the procedure of HCC and TACE was not empanelled by the Government of Manipur and accordingly, the two applications for medical reimbursement were rejected by the Medical Board and it is the case of the State respondent that Sky Hospital and Research Institute is empanelled for treatment of heart disease and not for HCC and TACE.

[7] When the matter was taken up on 18.08.2025, Mr. Serto T Kom, learned counsel for the petitioner, especially mentioned that the treatment for TACE/RFA/LDLT is not available in any of the Government hospital except Sky Hospital during the relevant period and in the circumstances, rejection of medical claim on the ground that Sky Hospital was empanelled only for heart disease and not for treating TACE, RFA and LDLT is not tenable. Mr. Th. Sukumar, learned G.A. for the State respondent, prayed for some time to take specific written instructions as to whether the treatment of TACE/RFA/LDLT for liver treatment is available in any Government hospital and/or empanelled hospitals during 2018-2019 when the husband of the petitioner was treated in Sky Hospital.

[8] The Director, JNIMS informed Directorate of Health Services, Manipur vide letter dated 18.09.2025 that TACE is not done in JNIMS as there is no Cath. Laboratory facility since inception. The Directorate of Health Services, Manipur submitted a letter dated 26.02.2026 addressed to the Ld. Addl. Government Advocate, High Court of Manipur enclosing a letter dated 25.02.2026 issued by the Medical Superintendent (i/c), RIMS that facility of TACE was not

available in RIMS hospital on 12.11.2018 and the same is not available in the hospital till date. These two letters are taken on record.

[9] It is cleared from the letters issued by the JNIMS and RIMS Authority that treatment of TACE is not available in the two premier and referral Government hospitals in Manipur. No document is on record to establish that such facility is available in any other hospital in Manipur except Sky Hospital.

[10] Mr. Serto T Kom, learned counsel for the petitioner, submits that rejection of medical reimbursement on the ground that the Sky Hospital is/was not empanelled hospital for the treatment of HCC and TACE as mentioned in the impugned letters dated 18.01.2019. It is stated that as the facility for treatment was not available in the Government hospital and he was treated at Sky Hospital & Research Institute on the advise of treating Doctor of JNIMS. It is stated that right to life of a person is paramount and reimbursement for treatment cannot be denied on technical ground that the hospital is not empanelled by the government.

[11] Learned counsel for the petitioner refers to the decision of the Hon'ble Supreme Court in the case of (i) **Surjit Singh vs. State of Punjab** reported in **(1996) 2 SCC 336, para 11** and (ii) **Shiva Kant Jha vs. Union of India** reported in **(2018) 16 SCC 187, para 17 & 19** to the point that right of medical claim cannot be denied merely because the name of the hospital is not included in the Government panel. The real test must be the factum of treatment and once the factum of treatment is supported by records duly certified by Doctors or hospitals concerned, the claim cannot be denied on technical grounds.

[12] Learned counsel for the petitioner also relies on the decision of this Court in the order dated 16.08.2024 passed by this Court in WP(C) No. 594 of 2023 in the case of **Shri Nepram Sonykumar vs. State of Manipur** where this Court directed to reimburse expenses for medical treatment done in private hospitals when the facility is not available in the Government hospital. Similarly situated persons have

availed such facility for treating in the same hospital and their medical bills have been released by State.

[13] Mr. Serto T Kom, learned counsel for the petitioner, submits that appeal preferred against the order dated 16.08.2024 in **Nepram Sonykumar Case (supra)** has already been rejected by a Division Bench of this Court in MC(WA) No. 123 of 2025 vide order dated 12.01.2026. Learned counsel for the petitioner submits that in terms of the letters submitted by the JNIMS and RIMS Authority, it is cleared that facility of TACE for treatment of deceased Government employee at Sky Hospital was not available in the referral Government hospitals in Manipur. Relying on the above decision, it is prayed that two impugned letters/orders both dated 18.01.2022 rejecting two medical reimbursement applications, be set aside and respondents be directed to reimburse the amount of Rs. 2,27,068/- and Rs. 1,06,315/- as claimed by the petitioner for the two treatments undertaken by the deceased employee at Sky Hospital.

[14] Mr. Th. Sukumar, learned G.A. for the State respondent, submits that the treatment has to be undertaken in Government empanelled hospital and the reimbursement was rightly rejected by the authority. It is also submitted that no prior permission was taken from the authority for undergoing treatment in the private hospital and it is prayed that writ petition be rejected on this ground alone.

[15] This Court has perused the materials on record. Generally, in order to avail medical reimbursement, the treatments are to be undertaken in the Government hospital and in case of non-availability of facility in Government hospital or otherwise, Government employee can approach the empanelled hospital. But in the present case, the line of treatment to be given to the deceased employee is not available in any of the Government hospitals till date and other empanelled hospitals. On the advise of the treating Doctor of JNIMS referring to Higher Medical Institute, the Government employee was admitted in Sky Hospital and Research Centre for treatment especially TACE. In the case of **Nepram**

Sonykumar case (Supra), treatment of child of the petitioner was undertaken at Mother's Care Children Hospital and Research Centre, Imphal on the reference of the earlier hospital even though Mother's Care Children Hospital and Research Centre, Imphal was not empanelled.

[16] In **Nepram Sonykumar Case (Supra)**, this Court directed the State respondent to release admissible expenditure as per law on the ground that preservation of one's life is necessary concomitant on right to life enshrined under Article 21 of the Constitution and rejection of the request for reimbursement cannot be sustained when similar reimbursement was allowed for treatment in the same hospital for other Government employees.

[17] In the present case also, the treatment for TACE is not available in any Government hospital and treatment in Sky Hospital was required to save life of the employee. In the circumstances, writ petition is allowed. The impugned two letters dated 18.01.2022 rejecting the medical reimbursement applications are set aside and the respondents are directed to reimburse the medical expenses of the deceased employee. After due fresh calculation, admissible reimbursement for the two treatments of the deceased employee at Sky Hospital be released to the petitioner within a period of two months from the date of receipt of a copy of this order.

[18] With this observation, writ petition is disposed of. Interim order, if any, is merged with the final order.

KH.
JOSHUA
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JUDGE

Kh. Joshua Maring