

HIGH COURT OF TRIPURA

AGARTALA

WP(C) No.15 of 2025

Sri Rajib Halder,

S/o Sri Santosh Halder, resident of Santirbazar, P.S. Santirbazar, South Tripura.

.....Petitioner(s);

V E R S U S

1. The State of Tripura,

Represented by the Principal Secretary, Public Works Department, N.C.C., Agartala, West Tripura.

2. The Deputy Secretary,

P.W.D., Government of Tripura, N.C.C, Agartala, West Tripura.

3. The Superintending Engineer,

3rd Circle, PWD (R&B), Udaipur, Gomati, Tripura.

4. The Executive Engineer,

PWD (R&B), Santirbazaar Division, Santirbazaar, South Tripura.

.....Respondent(s);

For Petitioner(s) : Mr. Debarun Singh Kunwar, Advocate.

For Respondent(s) : Mr. Haradhan Sarkar, Advocate.

Date of hearing : **02.02.2026.**

Date of Judgment & Order : **02.02.2026.**

Whether fit for reporting :

YES	NO
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

02/02/2026

Heard Mr. Debarun Singh Kunwar, learned counsel of the petitioner and Mr. Haradhan Sarkar, learned counsel of the respondents.

[2] The writ petition is filed by the petitioner for getting reimbursement of Rs.3.90 lakhs as part cost of treatment of his mother

namely, Dulali Halder (now deceased) received in the year 2021 at Narayana Hrudayala Hospital, Bengalore. She was referred for such treatment at that center by the constituted Medical Board of AGMC & GBP Hospital. It was stated that she was suffering from cancer. Later on she expired.

[3] The petitioner made a declaration on 28.12.2022 that his mother was dependent on him and similarly on the same date the mother also executed similar declaration that she was dependent on her son. The department initially processed the claim of reimbursement of total Rs.11,84,978/-. The petitioner originally submitted two bills - one of Rs.11,46,606/- and another of Rs.4,28,362/- on 15.02.2022 and 26.12.2022, respectively. Thereafter, the respondents sanctioned an amount of Rs.8,58,585/- as per prevailing CGHS rates against the claim amount of Rs.11,46,606/- and also sanctioned an amount of Rs.3,26,393/- as per prevailing CGHS rates against the claim amount of Rs.4,28,362/-. This way total sum of Rs.11,84,978/- were paid to him and the rest amount of Rs.3.90 lakhs was declined. For that reason the present writ petition has been filed with the following prayers:

- i. Issue notice as to why the rest of the medical bills due as Rs.3.90 lakhs, admissible under the rules, should not be immediately paid/reimbursed to the petitioner, and thereafter, having received and considered the response, issue rule nisi in terms of the notice and impose such costs as considered proper for causing undue harassment and expenses.
- ii. Issue rule quashing the letter dated 26.09.2024 (Annexure-2) and thereafter pass any other order/orders as may be deemed fit and proper by this Hon'ble Court.

[4] The respondents in their turn have stated that the mother was not at all dependent on her son i.e. the petitioner and the son has issued a false declaration that his mother was dependent on him, and actually she was dependent on her husband, Santosh Halder, who was a pensioner.

[5] Mr. Haradhan Sarkar, learned counsel for the respondents submits that as per memorandum dated 22.12.2022 (Annexure- R/2) issued by the Health & Family Welfare Department, Government of Tripura, the reimbursement of cost of medical expenses of pensioners and spouse referred by the Standing Medical Board, Government of Tripura, for treatment outside the State will be once in five years subject to ceiling limit of Rs.50,000/-. As because the petitioner's mother was dependent on her husband i.e. upon the father of the petitioner, such reimbursement was permissible to the extent of only Rs.50,000/- and not the whole amount and, therefore, to lodge a false claim of such reimbursement of huge amount, false declaration was submitted by the petitioner. Therefore, learned counsel, Mr. Sarkar, has prayed for dismissal of the writ petition.

[6] The petitioner earlier approached this Court in WP(C) No.302 of 2024 regarding the above said claim of Rs.3.90 lakhs which was disposed of by a coordinate bench of this Court on 02.05.2024 with a direction to the competent authority of the department to take a decision on the representation of the petitioner in accordance with law within a period of twelve weeks.

[7] Mr. Debarun Singh Kunwar, learned counsel for the petitioner in support of the claim of the petitioner relies on a decision of the Hon'ble Supreme Court in case of **State of M.P. and others versus M.P. Ojha and**

another [(1998) 2 SCC 554] wherein at paragraph no.13, the dependency was explained by the Apex Court that the expression “wholly dependent” is not a term of art. It has to be given its due meaning with reference to the rules in which it appears and the expression “wholly dependent” has to be understood in the context in which it is used keeping in view the object of the particular rules where it is contained.

[8] Learned counsel, Mr. Kunwar, further refers to another decision of the Hon’ble Supreme Court in case of **Shiva Kant Jha versus Union of India [(2018) 16 SCC 187]** wherein it was observed by the Hon’ble Supreme Court that the government employee during his lifetime or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights. It is acceptable to common sense, that ultimate decision as to how a patient should be treated vests only with the doctor, who is well versed and expert both on academic qualification and experience gained. It cannot be said that taking treatment in speciality hospital by itself would deprive a person to claim reimbursement solely on the ground that the said hospital was not included in the government order. In said case at paragraph no.19, it was also observed by the Hon’ble Supreme Court that CGHS rate was responsible for taking care of the healthcare needs and well-being of the Central Government employees and pensioners. Thereby the petitioner was allowed medical reimbursement on the ground that treatment of the petitioner in non-empanelled hospital was genuine because there was no option left with him at the relevant time. However, it was also specified by the Hon’ble Supreme Court that such decision was confined only to said case.

[9] This Court has considered the submissions of both sides. Whether the deceased mother of the petitioner was dependent upon her husband or upon the petitioner has now become a disputed fact. It is true that the respondents are challenging the declaration submitted by the petitioner to be false one, but they have not challenged the declaration submitted by his mother that said declaration was also a false one. However, it also appears that the scope of reimbursement was narrower if such reimbursement would be claimed by the husband of the deceased than the scope allowed to the petitioner, as he is still in service. On query, no satisfactory reply was also placed from the side of the petitioner that the dependency of the mother upon the son was entered earlier in any service record. Thus, in such a situation, this Court is not in a position to give a definite opinion about the entitlement of such reimbursement. It is also true that part reimbursement is already done by the department. Learned counsel, Mr. Sarkar, however, submits that regarding the same, an inquiry has already been initiated and an order of recovery of the amount has already been passed.

[10] Taking note of all these facts and circumstances and also of the dispute regarding the dependency of the deceased, the instant petition is hereby disposed of with a direction to the Secretary, Public Works Department, to inquire about the matter by himself and come to a definite finding as to whether the deceased was dependent upon her son or upon her husband. Needless to say, during that inquiry, reasonable opportunity shall be given to the petitioner to produce his materials in support of his claim, and after such inquiry is completed, based on the result of such inquiry, the respondents will decide the issue whether the rest amount shall

be disbursed to the petitioner or not. Till such inquiry is completed, no further step will be taken by the respondents regarding recovery etc., if any, against the petitioner. Thereafter, if any grievance further persists, the liberty is reserved to the petitioner to approach the proper forum in accordance with law.

Pending application(s), if any, also stands disposed of.

JUDGE