

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.851 of 2013

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1. Madhukar Lal Karn Son Of Late Jagdish Narayan Lal Resident Of Village And Post - Raghapur Balat, P.S. - Raj Nagar, District - Madhubani, Presently Posted As Steno Fc-II (Sri Vijay Kumar) Cell, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board Now Known As Bihar State Power (Holding) Company Ltd. Through Its Chief Managing Director, Vidyut Bhawan, Baily Road, Patna
2. The Chief Managing Director, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Baily Road, Patna
3. The Member (Finance And Revenue), Bihar State Electricity Board Now Known As The Director (Finance) Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Baily Road, Patna
4. The Chief Engineer (Operation And Maintenance), Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Baily Road, Patna
5. The Secretary, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Baily Road, Patna
6. The Joint Secretary, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Baily Road, Patna
7. The Under Secretary, Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Baily Road, Patna
8. The General Manager-Cum-Chief Engineer, Tirhut Electricity Supply Area, Muzaffarpur
9. The Deputy Accounts Director, Tirhut Electricity Supply Area, Muzaffarpur
10. The Accounts Officer, Tirhut Electricity Supply Area, Muzaffarpur
11. The Account Officer, Electricity Supply Circle, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra

For The Respondent/S : Mr. Ranjit Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-08-2015

Annexure- 15 is the order of rejection of the medical reimbursement of the petitioner, which related to the treatment taken by the erstwhile wife of the petitioner, who is said to have passed

away during the course of treatment on 8.3.2011. In a mechanical fashion, the respondent authorities have rejected the reimbursement on the ground that the petitioner had obtained treatment from a private hospital and that too without prior permission.

Stand of the respondents is that the petitioner has been in the habit of doing such things but on the first occasion, the respondents were indulgent enough to extend the benefit with a clear understanding that the rule has to be followed.

Whatever be the circumstances obviously the wife must have been at the critical stage because she did not recover from the treatment, which was meted out to her at a private hospital.

There could be occasions where medical treatment is required to be taken and obtained on due priority and the formality cannot be completed at the risk of the life of such a patient.

The Court, therefore, quashes Annexure- 15 dated 20.12.2011 and allows the writ application with a direction upon the respondents that the claim of the petitioner may be considered not as a precedent but the payment shall be made in accordance with the standard rates, which are in vogue for such treatment from an authorized government hospital or an approved hospital by the respondent Electricity Board.

The Court would expect a fresh decision to be taken

preferably within a period of three months from the date of production
of a copy of this order.

(Ajay Kumar Tripathi, J)

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