

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.152 of 2011

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Raj Kumar Singh S/o Late Sri Charitra Singh R/o Village Sahalampur At Present
Dumari, P.S. Patori, Distt. Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar Through D.G.P., Bihar, Patna.
2. The Director General Of Police, Bihar, Patna.
3. The Inspector General Of Police, Bihar, Patna.
4. The Deputy Inspector General Of Police (Administration), Bihar, Patna.
5. The Assistant Inspector General, Wireless, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Respondent/s : AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 18-01-2016

Heard Sri Aditya Narain Singh No. 1, learned counsel for
the petitioner and learned AC to SC No. 6.

The petitioner, who superannuated with effect from
31.8.2008 has approached this court under Article 226 of the
Constitution of India, with a limited prayer to direct the respondents
to make payment of expenditure incurred on medical expenses to the
tune of Rs. 1,72,657/- only which he had incurred in respect of his
treatment on his heart disease.

It has been pleaded that petitioner earlier had gone to
Delhi. Suddenly on 15.9.2007 he got heart attack and thereafter he
was admitted at St. Stephens Hospital, Tis Hazari, Delhi which is a



recognized hospital under the C.G.H.S. The petitioner was treated there and in the said treatment he incurred huge expenses. Subsequently he requested for reimbursement of the said medical expenditure. His application for such claim was recommended by the Assistant Inspector General of Police (Wireless) Bihar, Patna on 9.6.2008 for its payment. However, on one reason or the other the payment was not made even after his retirement and subsequently the petitioner was constrained to approach this court by filing the present writ petition.

Earlier in this case a counter affidavit was filed and a plea was taken that prior permission was not obtained. It has also been indicated that since the amount was for more than Rs. 20,000/- it was sent to the Government for passing appropriate order for reimbursement of the said amount. The request was made to the Home (Police) Department vide letter no. 769 / Finance dated 7.7.2008 to take necessary action regarding reimbursement. The said statement has been made in paragraph no. 7 of the counter affidavit which was filed on 15th July 2011. It has also been accepted in paragraph no. 8 of the counter affidavit that later on the Police Department asked the Police Head Quarter to issue post facto sanction order for the treatment and it was stated that the claim of reimbursement of the petitioner was under consideration.



By order dated 12.10.2015 learned State Counsel was granted time for filing further affidavit clarifying as to under what circumstances reimbursement of medical expenditure has not been made in favour of the petitioner, whereas claim was of the year 2007 itself, whereafter a supplementary counter affidavit has been filed on behalf of the respondent no. 2 and 5 and in paragraph no. 6 it has been stated that the Police Headquarter had sent the proposal for reimbursement to the Government along with post facto sanction for treatment outside the State to the Home (Police) Department vide letter dated 18.1.2011.

In this case supplementary counter affidavit was also filed. Finally, in compliance with the order dated 12.10.2015, 2nd supplementary counter affidavit has been filed on behalf of the respondent no. 2 and 5. Again it has been indicated that a letter to the Home (Police) Department dated 6.11.2015 was sent requesting the Department to pass an appropriate order for reimbursement claim of the petitioner's medical bill. Fact remains that till date reimbursement has not been allowed.

Learned State counsel in view of the statement made in the 2nd supplementary counter affidavit submits that some time may be granted to obtain instruction. On instruction he submits that again on 15.12.2015 a reminder has been sent but till date no decision has

been taken.

In view of the facts and circumstances of the present case particularly the fact that the petitioner has approached this court even after his retirement with a prayer to direct the respondents to clear the reimbursement of medical amount, the court is of the opinion that without wasting any further time it is necessary to allow the writ petition with a direction to all the respondents to take immediate steps, so that, medical bill amount which has been claimed for reimbursement may be credited to the account of the petitioner within a period of six weeks from the date of receipt / production of a copy of this order.

It is made clear that the respondents have been directed to make payment, not to examine the correctness of bill. The order of this Court must be complied within a period of six weeks from the date of receipt / production of a copy of this order.

The writ petition stands allowed.

(Rakesh Kumar, J)

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