

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11684 of 2014

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1. Dr. Awadhesh Prasad Singh, Son of Late Kashi Singh, Resident of village/
Mohalla- Juran Chapra, P.S.- Brahmpur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Health, Bihar, Patna
3. The Deputy Secretary, Govt. of Bihar, Patna
4. The Director, Health Services, Bihar, Patna
5. The Regional Deputy Director, Tirhut Division, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr Syed Hussain Majeed, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-08-2016

Petitioner is a government servant. In fact, he is a doctor by profession and working in a government hospital at Bettiah.

Daughter of the petitioner underwent a kidney transplant in a private medical hospital located in Kolkata. It obviously entailed expenses. Petitioner raised the bill for reimbursement upon the respondent authorities, which has now been rejected vide order dated 30.4.2014, contained in Annexure- 1. It is this order, which is under challenge, in the present writ application.

Submission of the counsel for the petitioner is that since treatment for kidney is long- drawn-out affair and it culminated into the kidney transplant, therefore, the objection raised by the respondents and the reason given for rejection requires to be interfered with.

The only reason, which has been given in the communication contained in Annexure- 1, is that the daughter of the petitioner is more than 25 years of age. Her discharge summary is dated 15.4.2013 on which date she was more than 25 years and therefore, in terms of the Rule, such expenses are not required to be reimbursed by the State Government.

Annexure- A is the Rule annexed with the counter affidavit of the respondent no.4. The definition of family is indicated in paragraph 3 (i).

So long as this notification dated 15.2.2013 stands, the reason for rejection of the claim of the petitioner contained in Annexure- 1 cannot be said to be irrational, arbitrary or violative of the right of the petitioner as such to claim reimbursement.

The fact not being a matter of dispute and since medical reimbursement are guided by the set of rules , therefore, this Court is not willing to enlarge the ambit of the provisions, which culminated into rejection of the claim of the petitioner by virtue of Annexure- 1.

Writ application has not merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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