

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15695 of 2013

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Rajendra Prasad Singh Son Of Late Tarkeshwar Singh Resident Of Village- Belaur,
P.S.- Industrial Area Buxar, District- Buxar At Present Posted As Assistant Sub
Inspector Of Police (Special) Branch, Bihar, Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police Bihar, Patna
2. The Superintendent Of Police (Suraksha), Special Branch, Bihar, Patna
3. The Deputy Superintendent Of Police, Special Branch Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr. Anjani Kumar, AAG-4

Mr. Sanjay Kr. 2, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-12-2016

Heard learned counsel for the petitioner and counsel for the
respondents.

In this case, the petitioner is seeking relief for reimbursement
of the cost what he has incurred in the surgery treatment of gall bladder of
his wife at R.G. Stone Hospital, New Delhi.

The petitioner is an employee of the State Government
governed by the Bihar Medical Attendance Rules. As per Rule 26, the
scope of granting relief for reimbursement of the cost of treatment has been
widened which empowers the State Government to reimburse the cost of
treatment by the State, inasmuch as, relax the coverage against those who
are not covered under that Bihar Medical Attendance Rule. It is not in
dispute that the wife of the employee is entitled to the reimbursement of the
cost of treatment from the State. She had fallen ill on account of some



problem in the gall bladder, got her treatment at the hospital, namely, R.G. Stone Hospital, New Delhi, there Rs. 60,000/- cost was incurred. The petitioner has been denied relief on two grounds, first before going for treatment, permission was not taken from the State Government and, secondly, the Hospital where she was treated was not a authorized hospital for treatment, accordingly, the relief has been refused.

In the counter affidavit, the State has not taken same stand. One thing is very important, when a person suffers from serious disease such as heart attack, cancer, kidney problem or other serious disease, he cannot wait for permission of the State Government and only act will be that he will rush for treatment in the proper hospital even if that hospital is not authorized, whatever rate has been fixed in the authorized hospital to that extent reimbursement has to be given by the State Government. First ground that the petitioner has not obtained prior permission is of no substance. As it has been stated that the wife of the petitioner was suffering from serious disease and, in an emergent situation, the life saving was more important than to wait for permission. She was admitted, got treatment at New Delhi hospital. In such a situation, refusal of reimbursement is completely dehors to the scope and scheme of Bihar Government Attendance Rule. This issue has been gone into on many occasions by this Court such as in the case of *Arun Kumar Mishra Vs. The State of Bihar & Ors.* reported in 2011(3) PLJR 264; *Nilima Ambestha Vs. State of Bihar & Ors.*, 2011(3) PLJR 517; *Pushpa Sinha Vs. The State of Bihar & Ors.*, 2011(3) PLJR 588 and *Dr. Onkareshwar Prasad Vs. The State of Bihar & Ors.* 2011(3)



PLJR 948. In all the judgments, in one voice this Court said that the medical treatment is first, permission is the second. In that view of the matter, the State Authorities can grant the post facto permission after proper verification of the material that was brought by the petitioner.

Accordingly, this Court directs the respondents to verify the record which has been filed by the petitioner and if it is found that she has been treated in the aforesaid hospital, reimbursement should be given at the rate prescribed by the authorized hospital. If this hospital has been authorized, certainly whatever amount has been incurred, would be reimbursed.

All the process should be completed within a period of two months from today.

With the aforementioned observation and direction, this application is disposed of.

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2016
Transmission Date	

