

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6191 of 2015

- 1 Divakar S/o Narayan Dank
Age: 62 years, occu: pensioner
R/o Prabhavati Nagar, Dist. Parbhani
 - 2 Sau. Deepali w/o Divakarrao Dank
Age: 61 years, occu: household
R/o As above
- Petitioners

Versus

- 1 The State of Maharashtra
through: Secretary in the department of
Agriculture, Mantralaya, Fort,
Mumbai 32
 - 2 The Director,
Extension Education,
Vasantao Naik Marathawada
Krushi Vidyapeeth, Parbhani
Dist. Parbhani
 - 3 The Vasantao Naik Marathawada
Krushi Vidyapeeth
through: Its Comptroller,
Parbhani, Dist. Parbhani
- Respondents

Mr.A.A. Mukhedkar advocate for the petitioners
Mr.S.M.Ganachari, Assistant Government Pleader for Respondent No.1
Mr. S.G. Sangle, advocate for respondent No.2 & 3

CORAM : **R.M. BORDE, & P.R. BORA, JJ**

(Date : 14th MARCH, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Rule.

2 Heard. With the consent of the parties, petition is taken up for final decision at admission stage.

3 The petitioners are praying for direction to respondent No.3 University to reimburse the medical expenses incurred on account of extending treatment to petitioner No.2, who is stated to be suffering from cancer. The reimbursement of medical expenses bills claimed by the petitioner is to the tune of Rs.2,38,485/-. The petitioner No.1 claims that his wife i.e. Petitioner No.2 was suffering from cancer and was required to take treatment at Hospital situate at Aurangabad as well as Specialty Centre dealing with cancer treatment at Hyderabad. The petitioner claims that petitioner No.2 took part of the treatment at Indo-American Cancer Institute & Research Centre, Hyderabad and was admitted at the said centre as indoor patient for certain period. The claim of the petitioner for reimbursement of medical expenses has been rejected on the ground that the Indo-American Cancer Institute & Research Centre, Hyderabad is not the centre recognized by the State of Maharashtra under the Government Resolution and as

such, reimbursement of the medical expenses in respect of treatment secured at such private centre, according to the respondents is not permissible. The respondents have also objected to certain medical bills contending that there is over-writing over the bills and as such are suspicious.

4 The petitioners place reliance on the Resolution issued by the State Government on 29.7.1999 where under, it has been prescribed that, the reimbursement of medical expenses in respect of treatment secured as an indoor patient at the Government or Government recognized hospital should be made, irrespective of scale of pay receivable by Government servant within the limit prescribed under Chart 'A' annexed to the resolution. It is further prescribed under the Resolution that, so far as specified five serious ailments are concerned, 100% reimbursement would be permissible in the event treatment is secured at a Govt. recognized hospital.

5 In the instant matter, it is not a matter of dispute that, the petitioner No.2 has received treatment at a centre outside the State of Maharashtra. According to the respondents, the said centre is not recognized by the State Government.

6 The case of the petitioner is governed by Resolution issued on 19.3.2005, where under, it has been prescribed that, claim in respect of reimbursement of the medical expenses shall be permitted, irrespective of scale of pay receivable by Government employee to the extent of 90% of the claim. Under the Government resolution issued on 29.7.1994 as well as on 19.3.2005, there is no bar in respect of reimbursement of medical expenses in the event medical treatment is received at private hospital. However, reimbursement shall be within the monetary limits prescribed under the aforesaid Government resolution.

7 In the instant matter, it is not a matter of dispute that petitioner No.2 was suffering from serious ailment and received treatment at Indo-American Cancer Institute & Research Centre, Hyderabad. There also appears no serious dispute as regards incurring of expenses for receiving the medical treatment. The respondent has objected to five items enlisted in the claim i.e. five bills in respect of purchase of medicines from Private Pharmacist and those are in for the amount of Rs.3,862/-, Rs.2,619/-, Rs. 5,885/-, Rs.3,884/- and Rs.3,829/-. The respondents claim that there is over-writing on these bills and as such, those are of suspicious character. It would be open for the respondents to

examine the genuineness of the aforesaid bills issued by the private pharmacist and permit reimbursement as permissible under the Policy. However, the claim of the petitioner excluding the aforesaid five items/bills is required to be granted by the respondents to the extent of 90% of the claim.

8 We direct the respondents to pay the amount as claimed by the petitioner to the extent of 90%, excluding the five items/bills referred to above, as expeditiously as possible and preferably within a period of six weeks from today.

9 Rule is made absolute to above extent.

10 There shall be no order as to costs.

(P.R. BORA, J)

(R.M.BORDE, J)