

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13693 of 2008

=====

Sri Bindeshwari Singh, son of Late Hari Vallabh Prasad Singh, resident of village- Kunauli, P.S. Kunauli, District- Supaul, at present posted as Work-Sarakar in the office of the Executive Engineer, Western Embankment Division, Nirmali, District-Supaul

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat Building, Patna
2. The Commissioner-cum- Principal Secretary to Government, Water Resources Department, Sinchai Bhawan, Patna
3. The Finance Commissioner-cum- Principal Secretary to Government, Department of Finance, Old Secretariat Building, Patna
4. The Health Commissioner-cum- Principal Secretary to Government in the Department of Health and Family Welfare, Vikash Bhawan, Patna
5. The Chief Engineer, having control over Western Embankment Division, Nirmali at Birpur, P.S. Birpur, District- Supaul
6. The Executive Engineer, Western Embankment Division, Nirmali P.S. Nirmali, District- Supaul
7. The Under Secretary to Government in the Water Resources Department, Sinchai Bhawan, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Rana Randhir Singh, Adv.
Mr. Nikunj Shekhar, Adv.

For the Respondent/s : Mr. S.D.Yadav, AAG-9
AC to AAG-9

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 02-03-2017 Heard Sri Rana Randhir Singh, learned counsel for the petitioner and learned AC to AAG-9.

It is unfortunate that a class-III Govt. of Bihar employee for the purposes of claiming medical reimbursement has been constrained to approach this Court invoking its writ jurisdiction under Article-226 of the Constitution of India. As per pleading, it is evident that the petitioner, who is a government



employee occupying Class-III Post having old heart ailment earlier on his own expenses was examined in All India Institute of Medical Science, New Delhi. It has been stated by learned counsel for the petitioner that for the earlier medical expenses, he had not raised any bill for medical reimbursement. However, subsequently, while he was on duty, he developed some cardiac problem and, thereafter, the Medical Officer of Addl. Primary Health Centre, Kunauli in the district-Supaul referred him for immediate treatment at All India Institute of Medical Science, New Delhi. Since it was a cardiac problem and ignorance would have created danger to his life, the petitioner on the recommendation of the Medical Officer of Addl. Primary Health Centre, Kunauli immediately rushed to All India Institute of Medical Science, New Delhi, where he was treated and subsequently was discharged. In the said treatment, the petitioner had incurred expenses of Rs.73,073/- , which was a meager amount for the government, but huge amount for Class-III employee. After returning, he prepared a bill for reimbursement for medical treatment, which was forwarded by Administrative Department which finally rejected vide letter no.1418 dated 04.07.2008. The claim was rejected primarily on the ground that for referring a patient for treatment outside the State, the Medical



Officer of Addl. Primary Health Centre was not competent. Thereafter being aggrieved with rejection of medical claim vide Annexure-5 i.e. letter dated 04.07.2008, the petitioner approached this Court by way of filing the present writ petition.

It was submitted by learned counsel for the petitioner that in a case of cardiac problem, priority was to be given for immediate treatment and since he was recommended by a qualified Medical Officer, that too by a Government Medical Officer, the petitioner had rightly rushed to the All India Institute of Medical Science, New Delhi, which too is a government hospital. Once the petitioner had incurred expenses for his ailment being treated at All India Institute of Medical Science and due certificate of medical treatment at All India Institute of Medical Science, New Delhi, reimbursement was claimed, then in that event , even though earlier permission was not granted by the competent authority, after raising claim for medical reimbursement, it was duty of the state authority to obtain post-facto permission and clear the bail.

In this case, a counter affidavit has been filed on behalf of Respondent no.6 and it has been reiterated that since the petitioner was referred to All India Medical Institute of Medical Science, New Delhi by a Medical Officer, who was not competent



to refer the patient outside the State as per rule, the claim of the petitioner has rightly been rejected.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Keeping in view the peculiar facts and circumstances, particularly the fact that the petitioner was referred by a Medical Officer of a Government Hospital for his immediate treatment regarding his cardiac ailment, there was no option left to the petitioner but to immediately rush to the All India Institute of Medical Science, where he was examined and had incurred expenses and bill was submitted which was forwarded by the competent authority, but the same was rejected on the technical ground. In such trivial matter, the Court is of the opinion that the State Government should take lenient view in the matter and without raising such objection; the Respondent State is required to immediately clear the claim for medical reimbursement.

In view of facts and circumstances the writ petition stands allowed and the order contained in letter no.1418 dated 04.07.2008 is hereby set aside with a direction to the respondents to immediately clear the claim of medical reimbursement i.e. amount of Rs.73073/-. This amount must be credited to the account of the petitioner within a period of three weeks from the



date of receipt/production of a copy of this order. This order must be complied with within a period of three weeks from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--

