

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11331 of 2008

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Chandradhar Sharma son of Late Shambhu Saran Sharma, resident of Village-Tiyara, P.S. Rajpur, District- Buxar, at present posted as Accounts Clerk, Tube Well Division, Patna West at Bihta, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Deputy Secretary, Water Resources Department (Minor), Government of Bihar, Patna
6. The Under Secretary, Water Resources Department (Minor), Government of Bihar, Patna
7. The Director, Health Department, Government of Bihar, Patna
8. The Deputy Director of Health Department, Government of Bihar, Patna
9. The Executive Engineer, Tube Well Division, Patna West at Bihta, District-Patna.

.... Respondents

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Appearance:

For the Petitioner : Mr. Ras Bihari Thakur, Advocate.
For the Respondents : Mr. P.K. Verma, AAG-3
Ms. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2017

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

2. The present writ petition has been filed for a direction to the respondent authorities to allow the claim of medical reimbursement placed by the petitioner before the respondent authorities which was duly recommended by the competent authority i.e. Medical Superintendent of A.I.I.M.S, New Delhi of the tune of Rs.



3,82,257.70 (Rupees three lacs eighty two thousand two hundred fifty seven and paise seventy only) together with interest with cost as the petitioner has incurred expenses in his treatment for Hepatitis-B and Liver Cirrhosis since 2001.

3. Second supplementary counter affidavit on behalf of the respondent no. 9 has been filed according to which an amount of Rs. 1,96,079/- has been paid to the petitioner by depositing into his Savings Bank Account on 10.08.2017. It is submitted on behalf of the respondents that with this, entire claim of the petitioner for reimbursement of expenses stands satisfied.

4. Learned counsel for the petitioner accepts having received the entire payment by way of expenses incurred over his treatment. However, he claims interest in respect of the delay in making such payment.

5. This Court takes note that according to resolution dated 14.08.2006 (Annexure-16) reimbursement in respect of Out Door treatment for certain diseases including Hepatitis-B and Liver Cirrhosis were made admissible for the first time. The permission under Rule 26 of the Bihar Medical Attendance Rules in terms of letter dated 04.07.2001 (Annexure-2) must be understood as having been granted for purposes of In Door treatment of the petitioner at AIIMS, New Delhi for the said diseases. This becomes clear also from para-6 of the said letter dated 04.07.2001 which contemplated



reimbursement for treatment in General Ward only. Such special permission under Rule 26 cannot be construed to have been accorded for Out Door treatment at AIIMS, New Delhi for the diseases in question which were not admissible for reimbursement at all in view of the extant circulars then prevailing. This Court is in agreement with the submission on behalf of the respondents that the entire payment as claimed by the petitioner for Out Door treatment during the period between 2001 and 2006 has been made out of compassion as a special case and does not call for payment of interest as the respondents cannot be faulted for delay in payment.

6. The writ petition accordingly stands disposed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.08.2017
Transmission Date	N.A.

