

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15967 of 2006

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1. Bimla Devi, wife of late Bishnu Ram
2. Ravi Kumar, son of late Bishnu Ram
3. Rajni Agrawal, Daughter of late Bishnu Ram,
All resident of Burha Nath Road, Jai Prakash Pandey Lane, Police Station-
Kotwali, District- Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner -cum -Secretary, Road
Construction Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
3. The Secretary Health Department, Govt. of Bihar, Patna.
4. The Director in Chief, Health Directorate-Health Services, Government of
Bihar, Patna.
5. The Deputy Director, Health Services, Govt. of Bihar, Patna.
6. The Secretary, Finance, Govt. of Bihar, Patna.
7. The Civil Surgeon, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Syed M. Ashraf, Advocate.

For the Respondents : Mr. Ram Prasad Singh, AC to AAG 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2017

By order dated 14.07.2015, on death of the original petitioner, names of his heirs and legal representatives, namely, Bimla Devi, Ravi Kumar and Rajni Agrawal have been substituted in his place.

2. Heard learned counsel for the petitioners and learned counsel for the respondents.

3. The present writ petition has been filed for a direction to the respondent no. 4 to reimburse the medical expenses of the original petitioner incurred in course of his treatment for renal failure, in all, Rs. 5,82,100.96, Rs. 16,874.00 and Rs. 62,816.00 claimed in Annexures-



4, 9 and 11 respectively.

4. Learned counsel for the petitioners submits that owing to diabetes, the original petitioner had fallen seriously ill on 23.01.2004 and had to be treated successively at Christian Medical College, Vellore, then at AIIMS, New Delhi and finally at Wockhardt Hospital, Calcutta. The original petitioner filed applications for reimbursement but did not receive the reimbursement of the aforesaid amounts. It is submitted that owing to the urgent nature of the medical problems, he had to be rushed each time for treatment and there was no time or opportunity to seek permission in accordance with Rules, rather the petitioner on each occasion had to proceed after taking leave from the Commissioner, Bhagalpur.

5. A counter affidavit has been filed on behalf of the Director-in-Chief, Health Directorate-Health Services, Government of Bihar (respondent no. 4), *inter alia*, stating that the original petitioner got himself treated without proper recommendation and permission of the authorized Medical Attendant State Medical Board or State Government. More significantly, even after treatment, he did not submit the original papers relating to his treatment and claimed reimbursement only on the basis of photo copies thereof. It has been further stated that the file of the petitioner relating to reimbursement has since been forwarded to the Road Construction Department where the matter now requires to be considered.



6. Having regard to the submissions of the petitioner and the averments made in the counter affidavit, the writ petition is disposed of granting liberty to the petitioners to file a fresh representation before the appropriate authority for consideration of the claims. If any such representation is filed within a period of four weeks from today, the same shall be disposed of on its own merits preferably within a further period of three months thereafter after grant of opportunity of hearing and in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the claims.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.07.2017
Transmission Date	N.A.

