

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11332 of 2010

=====

Mahendra Kapari son of Bhagwan Kapari resident of Village And Post And P.S.-
Hansadiha, District - Dumka (Jharkhand)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Industry Department Of Government Of Bihar, Patna
3. The Director Of Industry, Industry Department, Government Of Bihar, Patna
4. The Managing Director, District Industry Centre, Banka

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Respondent/s : AC to AAG No. 14

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-04-2017

1. Heard Sri Arvind Kumar Singh, learned counsel for the
petitioner and learned AC to A.A.G. No. 14.

2. The petitioner, has filed the present writ petition under
Article 226 of the Constitution of India for grant of the following
reliefs:-

**“I. For reimbursement of the amount of
T.A. Bill of the petitioner which is about Rs.
5000/- for going Tata Memorial Hospital
Mumbai on account of his treatment of
cancer disease.**

**II. To pay the amount of Medical Bill to
the petitioner which is about of Rs. 42,589/-
which was expensed, for his treatment of
cancer disease.**

**III. To pay the due amount of running
T.A. to the petitioner which is about Rs.
11,387/-**



IV. To pay the due amount of T.A. Bill of transfer to the petitioner which is about of Rs. 7,565/-.”

3. It is case of the petitioner that he was initially appointed as Typist in the Industry Department, Government of Bihar in the year 1975 at Sitamarhi and thereafter , he was transferred from one place to another place. While he was posted at Sahebganj he developed serious ailment. Cancer was detected and thereafter, with the permission of the State of Jharkhand vide Annexure ‘2’ to the writ petition i.e. a letter contained in memo no. 125 dated 25th January 2005 issued under the signature of Deputy Secretary , Industry Department the petitioner was permitted to go to Tata Memorial Hospital, Mumbai for his treatment. Thereafter, he went, he was treated and returned back. Subsequently, after bifurcation of the cadre the petitioner was transferred to Gaya. Since ailment was continuing, again he was advised to go to Tata Memorial Hospital, Mumbai and this time permission was granted by the Industry Department, Govt. of Bihar vide letter contained in Memo No. 274 dated 24.4.2007. After being treated the petitioner submitted detailed medical bill for reimbursement as indicated hereinabove, however, despite his best effort, he was not paid his legal dues. In the meanwhile the petitioner superannuated with effect from 31.3.2008 while he was posted as Typist in the District Industry Centre, Banka.



Learned counsel for the petitioner has drawn my attention to Annexure '5' to the writ petition i.e. a letter contained in Memo No. 13 dated 4.1.2008 issued under the signature of General Manager, District Industry Center, Banka addressed to the Director, Industry. Learned counsel for the petitioner submits that by the said communication the entire bill which was submitted by the petitioner for reimbursement was sent to the Director, Industry and even thereafter, no payment was made, which constrained the petitioner to approach this court by filing the present writ petition.

4. In this case a counter affidavit has been filed on behalf of the respondent nos. 2 to 4 and in the counter affidavit a vague stand has been taken that since duly counter signed original medical bills were not submitted by the petitioner, it was not finalized. Learned state counsel tried to justify the action of the respondents in non - clearance of the medical bills of the petitioner.

5. Besides hearing, I have examined the materials available on record. It is unfortunate that a Class III employee who was suffering with serious ailment and was treated outside the state with permission of the State Government is running from pillar to post for reimbursement of his genuine medical claim and even during pendency of the claim he superannuated in the year 2008 and till date it has not been paid.



6. Keeping in view the fact that the petitioner had gone out of State with proper authorization, there was no reason to sit tight over the matter and delay the payment of genuine claim of the petitioner. In view of the facts and circumstances, the writ petition stands allowed with a direction to the respondents to immediately pay all outstanding dues of the petitioner as claimed in paragraph 1 of the writ petition within a period of eight weeks from the date of receipt / production of a copy of this order.

7. It is made clear that if order of this Court is not complied within aforesaid time, the petitioner shall be entitled to get simple interest @ 9% per annum on the aforesaid amount. In that event the respondent/ State would be at liberty to recover the interest amount from the pocket of officer / employee responsible for delay in compliance of this order.

8. The writ petition stands allowed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-04-2017
Transmission Date	NA

