

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1704 of 2017

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Shiwadhar Ray Son of Late Bali Ram Ray Retired Central Government Employee,
Resident of Shreemati Enclave, Flat No. 103, Professor Colony, North Shastri
Nagar, Patna - 23.

.... Petitioner/s

Versus

1. The Union of India through Additional Director, C.G.H.S., Patna.
2. The Additional Director, C.G.H.S. 54, South Chhajju Bagh, Patna - 1.
3. The In-charge Chief Medical Officer, Central Government Health Scheme (CGHS) Dispensary No. 1, Buddh Marg, Patna - 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Singh, Advocate
For the Respondent/s : Mr. S.D Sanjay, Addl. Solicitor General
Mrs. Renuka Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-05-2017

Heard learned counsel for the petitioner and
learned Additional Solicitor General representing the Union of
India.

2. Perused the order dated 21st December, 2016
passed by the Central Administrative Tribunal, Patna Bench,
Patna in O.A. No. 350 of 2016. The order by and large is in
favour of the present petitioner since a direction has been given
to the respondent-authorities to settle the medical claims.
However, apprehension of the petitioner is that the insistence of



the respondents and their demand to produce 'Emergency Certificate' is something, which is coming in the way of compliance and settlement of the medical claims of the petitioner.

3. The condition being such, since it is said that it was a case of retina detachment, by any medical standards and opinion of expert, the emergent nature of such term is inherent to the medical condition being suffered by an employee.

4. During the course of argument today, the original prescription for medical advice, which has been rendered to the petitioner, has been produced by the counsel for the petitioner. The word 'Urgent/ Emergency' has been endorsed on the prescription. Nothing more is required in terms of separate emergency certificate for consideration and settlement of medical bills, as it meets the requirements.

5. The respondents are now directed to consider the medical claim raised by the petitioner and to authorize settlement thereof in the light what has been observed by the Tribunal and this Court.

6. The writ application is disposed of.

7. The respondents will take cognizance of the prescription where endorsement has been made with regard to



emergent situation and process the bills without any further delay.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19 .05.2017
Transmission Date	NA

