

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14612 of 2010

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Ram Swarath Sharma S/O Late Sheo Narayan Sharma R/O B/46,
Sachivalaya Colony, Kankarbagh, Near Kendriya Vidyalaya, Patna-800 020
..... Petitioner/s

Versus

1. The State Of Bihar
 2. The Secretary Department Of Planning And Development, Government Of Bihar, Patna
 3. The Director, Directorate Of Statistics And Evaluation Government Of Bihar, Patna
 4. The Deputy Director (Statistics), Patna Division, Patna
 5. The Deputy Secretary Department Of Planning And Development, Government Of Bihar, Patna
 6. The Accountant General (A&E), Bihar, Birchand Patel Path, Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. Hansh Jha, SC-26
For the Accountant General : Mr. Chaitanya Swaroop, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 26-06-2018

The present writ petition has been filed for directing the respondents to reimburse medical cost incurred to the petitioner for implantation of Pace-Maker.

The respondents have primarily stated that since the petitioner retired on 31.10.2008 and the petitioner could not withdraw the advanced money on account of insufficient allotment of funds, the petitioner would not be entitled to medical reimbursement after retirement.

Per contra, the learned counsel for the respondents has submitted that since during his service period, the petitioner was permitted to get the pace-maker implanted at Delhi and in pursuance thereof an advance amount of Rs.2,86,000/- was also



sanctioned for payment, however, on account of insufficient allotment of fund, the same could not be paid to the petitioner and during the interregnum period, the petitioner retired on 31.10.2008.

In view of the respective submissions made by the parties, this court is of the opinion that it would not venture into the disputed question of facts, hence the appropriate remedy for the petitioner would be to approach the respondent no.3.

In such view of the matter, the petitioner, if so advised, may file a detailed representation regarding his aforesaid grievance within a period of two weeks from today and the respondent no.3 shall dispose of the same within a period of four weeks thereafter, by a reasoned and speaking order, failing which penal consequence shall be taken against the respondent no.3. It is made clear that in case there are no rules to the contrary, the amount of medical advance once sanctioned is liable to be paid to the beneficiary.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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