

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 80 of 2015

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Md Aslam Javed Son of Md Obaidullah, Resident of Mohalla -Narial Ghat, P.O. & P.S. - Digha, District - Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, through secretary, Law (Judicial), Department, Government of Bihar, Patna.
2. The Secretary, Law (Judicial) Department, Government of Bihar, Patna.
3. The Joint Secretary-cum-Additional Legal Adviser, Law (Judicial) Department, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Registrar General, High Court of Judicature at Patna, Patna.
6. The Registrar (Establishment), High Court of Judicature at Patna,
7. The Medical Superintendent, Patna Medical College Hospital, Patna.
8. Batohi Mandal, Assistant, Law Department, Government of Bihar, Patna.
9. The Principal Secretary, Department of Health, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-07-2018

As prayed by learned counsel for the petitioner, the Principal Secretary, Health Department be impleaded as party-respondent No 9 in this case.

2 Heard learned counsel for the petitioner and the respondent-State.

3 It is submitted by the learned counsel for the petitioner, in presence of learned counsel for the respondents, that at the moment, he would not be pressing the other issue regarding competence of the Authority to deal with and sanction the claims of



medical reimbursement of officers and staff of High Court since the issue is pending consideration before the Government.

4 In view of such pendency of matter before the Government at the moment, the learned counsel for the petitioner seeks liberty that if he is aggrieved by the final decision, he will approach the Court again.

5 Needless to say, it will be open to the petitioner to approach the Court in accordance with law for such grievance if the same arises.

6 The issue which remains for consideration now is limited to the extent that though the petitioner's out patient treatment bills in relation to the disease liver cirrhosis have been found to be true and genuine, after due scrutiny, the amount of claim of Rs 1,08,695/- has been allowed only to the extent of Rs 82,133/-. It is the meager balance of about 26,562/- which has remained unpaid. Some earlier bills are also pending and the total outstanding claim of the petitioner is Rs 32,354/-.

7 Referring to the counter affidavit filed by respondent No 7 in the instant proceedings, the learned State Counsel submits that in light of the notification dated 03.09.2013 bearing Memo No 946 (14) issued by the Health Department, the claim of the petitioner has been sanctioned as per CGHS rates. The counter affidavit filed by



respondents, however, does not deal with the Resolution dated 14.08.2006. The Government of Bihar has dealt with certain life threatening diseases including liver cirrhosis for which the petitioner was treated as an outdoor patient. It has been resolved in the said Resolution dated 14.08.2006 that the “actual” expenses incurred over those specified diseases were to be reimbursed. The said Resolution of the State of Bihar has not been taken into consideration while sanctioning the petitioner’s claim as is evident from the counter affidavit and the sanction order dated 30.04.2015 wherein deductions have been made. If the Resolution of the Government of Bihar dated 14.08.2006 was still in force as on 13.04.2014, the respondents would be obliged to consider the petitioner’s claim as per actual expenses incurred subject to the same being genuine.

8 The petitioner is, therefore, granted liberty to make representation of the amounts which have remained unpaid before respondent No 9.

9 In the event, such representation is filed, the final order should be passed on the petitioner’s claim having regard to the Resolution dated 14.08.2006 and the fact that the genuineness of the bills have been found to be true as per the Three Men Committee scrutinizing the petitioner’s bill.

10 Let a final decision be taken in this regard within a



period of eight weeks from the date of receipt/production of a copy of this order along with claim of the petitioner.

11 If any dues are found admissible, the same should also be paid within the aforesaid period.

12 The writ petition is allowed to the extent indicated hereinabove.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2018
Transmission Date	NA

