

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14686 of 2014

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Raj Kumar Bharti son of Sheo Balak Bhartee resident of village Jhanda Bhartee Ke Mathia, Post Office Raniganj Bazar, Police Station Balia, District - Balia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat Building, Bailey Road, Patna.
3. The Director, Secondary Education, Govt. of Bihar, New Secretariat Building, Bailey Road, Patna.
4. The Principal Secretary, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
5. The Director-in-Chief, Medical Attendance Programme , Government of Bihar, Patna.
6. The Joint Secretary, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
7. The Deputy Director, Primary Health Service, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

2. Earlier petitioner has approached this Court for the relief as to the medical reimbursement vide order dated 03.02.2010 in C.W.J.C. No. 3007 of 2002. The writ petition was allowed and respondents were directed to transmit the records in respect of medical claim to the concerned authorities of the Human Resources Department within two weeks from



the date of receipt/production of a copy thereof. The department was directed to pass order on the claim of the petitioner for medical reimbursement. After the order dated 3.2.2010 the respondents have calculated the entitlement of the petitioner and paid Rs. 5,45,977.00.

3. Learned counsel for the disputed the calculation and as such he filed Contempt Application bearing MJC No. 1617 of 2012. In the contempt petition a supplementary show cause was filed indicating therein that interest has been calculated and paid to the petitioner and amount of T.A. has also been paid.

4. Learned counsel for the petitioner disputed the calculation and submitted that under the head 'boarding and lodging' petitioner has not given separate calculation and a lump sum amount has been claimed.

5. The court disposed of the contempt application holding out that calculation of admissible amount cannot be a matter of consideration in the contempt proceeding. However, the petitioner was granted liberty to claim the same in an appropriate proceeding in accordance with law.

6. The petitioner has filed the present writ application wherein he has questioned the validity of Annexure-6 dated



28.05.2011 and also prayed for payment of outstanding amount of Rs. 74, 259 + 32,875/- and interest thereon.

7. On behalf of the respondents a counter affidavit has been filed. In the counter affidavit in para-17 the respondents have admitted that the averment made in para 27 to 31 of the writ petition requires no comment.

8. On the basis of averment made in the counter affidavit Mr. Sanjay Kumar Verma submits that respondents have admitted the claim of the petitioner as stated in para 27 to 31. On the basis of the aforesaid stand of the respondents in the counter affidavit he submitted that petitioner's claim has been admitted yet the petitioner has not been paid.

9. Considering the aforesaid, the writ petition is disposed of with liberty to the petitioner to file representation addressed to Director, Secondary Education who shall provide personal hearing in the matter of calculation of the claim of the petitioner and if it is admitted by the respondents that the boarding, lodging and traveling allowances admissible under the head of medical reimbursement has erroneously calculated or not been paid then the respondent Director, Secondary Education shall ensure payment thereof with interest in terms of direction of this Court in C.W.J.C. No. 3007 of 2002 by



speaking order within a period of four months from the date of receipt/production of a copy of this order.

10. In the event, respondent director reject the claim of the petitioner, he has to assign reason with calculation of entitlement of petitioner otherwise director is required to direct payment of the entire expenses incurred by the petitioner on treatment or under the head travelling, boarding and lodging whatever is falling in the category of medical reimbursement.

11. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	

