

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6788 of 2013

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RAM NIWAS SINGH S/O - LATE RAJ KUMAR SINGH RESIDENT OF
VILLAGE KANDARPUR, P.S. - SANDESH, DIST. - BHOJPUR (ARRAH)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Services, Government Of Bihar, New Secretariat, Patna
3. The Principal Secretary, Finance Department, Government Of Bihar, Old Secretariat, Patna
4. The Director, Health Services, Government Of Bihar, Patna
5. The Additional D.G. Criminal Investigation Department, Old Secretariat, Patna
6. The Superintendent Of Police (C), Criminal Investigation Department Old Secretariat, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv. Mr. Rajiv Shekhar, Adv. Ms. Abhanjali
For the Respondent/s	:	Mr. Rajeew Ranjan, AC to GP 20

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 16-05-2018

This writ petition under Article 226 of Constitution of India has been filed to quash the Memo dated 11.12.2012 issued by the Superintendent of Police (C) (Respondent No. 6) by which medical reimbursement to the wife of petitioner of Rs. 1,37,817/- has been declined.

2. Briefly stated the case of petitioner is that he was initially appointed on 13.3.1970 and was promoted on the post of Inspector of Police and posted in the Criminal Investigation Department from where he retired on 31.8.2008 after completing 38 years of satisfactory service. Wife of petitioner, namely, Smt.



Ambika Devi, who is dependent, fell ill in 2009 and was under treatment of different doctors at Patna. She was referred to be treated for heart problem at AIIMS, New Delhi, and thereafter she remained under treatment of doctors at AIIMS, New Delhi. Petitioner deposited Rs. 1,37,817/- as expenditure for treatment and surgery of her wife from 2.9.2011 to 12.9.2011 at AIIMS Hospital, New Delhi.

3. Petitioner submitted a claim before the Superintendent of Police, Crime Investigation Department (Respondent no. 6) giving the details of vouchers and reimbursement certificate claiming payment of the amount incurred in treatment of his wife and a copy of which was also sent to the Principal Secretary, Department of Finance.

4. Prior to it petitioner had also filed a representation before the Principal Secretary, Health Department, (Respondent No. 2) on 18.8.2011 along with requisite documents for due consideration.

5. The Superintendent of Police (C), Criminal Investigation Department, Bihar, Patna by letter dated 29.10.2012 directed petitioner to send copy of the orders passed in CWJC No. 7891 of 1995 and CWJC No. 9992 of 2003 and petitioner send the orders in which this Court had granted reimbursement under



similar circumstances. However, Respondent No. 6 by letter dated 11.12.2012, as contained in Annexure-5, decline to reimburse the medical reimbursement, i.e., expenditure borne by petitioner while treating his wife in AIIMS.

6. A counter affidavit has been filed on behalf of respondent, Health Department, in which it has been stated that petitioner retired from C.I.D. which is under Home (Police Department), Government of Bihar, Patna, and his wife had undergone treatment for heart disease at AIIMS, New Delhi, in which Rs. 1,37,817/- was incurred on her treatment.

7. Petitioner retired on 3.8.2008 and his wife underwent treatment of cardiologist at Patna and reported in AIIMS, New Delhi, from 22.10.2010 to 12.9.2011 where surgery was done on 5.9.2011.

8. It has further been submitted that no provision of sanction and reimbursement of retired Government employee is permissible, as such medical bill submitted by petitioner was rejected by the concerned Administrative Department.

9. The issue involved regarding reimbursement of amount spent by retired Government employees or his/her wife/husband was considered by the Division Bench of this Court in CWJC No. 7891 of 1995 which was filed by Bihar Pensioners



Samaj in which a Government circular by which provision of reimbursement was deleted and in place of which a circular was issued by the Government that retired Government employees are entitled to medical facilities every month and State of Bihar is directed to give pensioners same medical care and facilities which were available to them while in service. As per circular dated 26.6.1974, pensioners were entitled free medical treatment for all the facilities as indoor and outdoor patients but a provision was inserted by which they were not entitled to reimbursement for the medicinal expenditure incurred by them. Every pensioner of the State Government is entitled to get free supply of medicines for himself and wife or husband in Government Hospitals as indoor and outdoor patients and any other facilities which were admissible to Government servants during his service period but the pensioners or his wife or husband shall not be given facilities of reimbursement. However, said clause was made ineffective by order dated 27.3.1996 passed by the Division Bench of this Court and direction was issued that pensioners shall be entitled for reimbursement from the Government Department where they served.

10. In CWJC No. 9992 of 2003 decided on 28.4.2011 a single Bench of this Court had directed for reimbursement of



entire medical expenses incurred in treatment. State had filed LPA being LPA no. 1337 of 2011 against that order which was dismissed on 7.9.2017 by Division Bench of this Court. It has been brought on record that State Government has issued circular with regard to medical facilities given to the State Government pensioners for which resolution has been issued by the department of Health Department dated 20.08.2014 and 29.04.2015. However, medical facilities given to pensioners of the State Government by the above resolution is made effective from the date of issuance of resolution. However, case of petitioner is of reimbursement of medical expenditure incurred by petitioner on his wife in the AIIMS, New Delhi, which is a premier medical institute of Central Government. By Annexure-A series reimbursement certificate has been issued by the concern hospital showing total expenditure incurred by petitioner on his wife's surgery as Rs.1,37,817/- in the year 2011. As such the claim of the petitioner is governed by the orders passed by the Court, as indicated above.

11. In view of the judgment and order dated 27.03.1996 passed by the Division Bench in CWJC No.7891 of 1995 as well as order dated 28.04.2011 passed by the Single Judge in CWJC No.9992 of 2003 and same being affirmed by the Division Bench in LPA No.1337 of 2011 by which appeal preferred by the State of



Bihar was dismissed. Petitioner is entitled for reimbursement of medical expenditure of Rs.1,37,817/- incurred by him for surgery of his wife done in the AIIMS, New Delhi, as such respondent no.6 is directed to reimburse the said amount to the petitioner within three months from the date production/receipt of a copy of this order. Although the claim of petitioner is of the year 2011, this Court is not inclined to grant any interest over the said amount. But if the amount is not reimbursed within three months from the date of production/receipt of the copy of this order, petitioner is entitled to get 6% simple interest on the said amount after three months till its payment.

12. The writ petition stands allowed.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

