

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5581 of 2015

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Shyamlal Son of Late Thakur. Resident of Village - Aurangabad, P.O.-
Autroura, Police Station Khalilabad, District - Sant Kabir Nagar Uttar
Pradesh at present resident of Flat No. 201, Awadh Vihar Appartment,
Mulchand Road, Bahadurpur, Police Station - Patrakar Nagar, P.O.- Lohia
Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Home Police Department, Bihar, Patna.
4. The Inspector General of Police Administration Bihar, Patna.
5. The Inspector General of Police Budget, Bihar, Patna.
6. The Deputy Inspector General of Police Administration Bihar, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Under Secretary, Home Police Department, Bihar, Patna.
9. The Superintendent of Police C Criminal Investigation Department, Bihar,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha
For the Respondent/s : Mr.Gautam Kr. Yadav, AC to GP26

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 07-05-2019 Heard counsel for the petitioner and counsel for
respondents-State.

Petitioner while working as Deputy Superintendent of
Police in Criminal Investigation Department had undergone
some treatment on account of Disc Prolapsed and related
condition in the year 2003 itself. He was granted some grants
from welfare fund in the year 2008 to the tune of Rs 5,000/-. He
has made an application before the authorities for



reimbursement of amount of Rs 1,22,027/- being amount of medical expenses.

Respondents resisted the claim by saying that his claim was made after a long delay and permission has not been taken from the department which is mandatory prior to availing treatment at private hospital. Sub-clause (iv) of clause 3 of the resolution dated 20.05.2006 issued by the Health Department is relied upon by State respondents.

Petitioner in his application has submitted that since appointment and bed were not available in AIIMS, New Delhi, he had undergone treatment at Vidyasagar Institute of Mental Health and Neuro sciences, New Delhi which is a private hospital. However, petitioner's counsel specifically submits that he cannot and will not claim any amount greater than what is permissible/ prescribed for the treatment by the Government irrespective of whatever actual expenses petitioner may have incurred at the private hospital.

In the circumstance, this court would direct respondent no.5 to consider the claim as per prescribed rate admissible by the State Government for the treatment undergone by the petitioner.

It will be open to the petitioner to place all papers in



support of his treatment before respondent no.5 (Inspector General of Police {Budget}, Bihar, Patna) within a fortnight from today along with a copy of this order.

Let final decision be taken in this respect and due and admissible amount be paid to the petitioner within three months from the date of receipt/production of a copy of this order.

Writ petition is disposed off.

(Madhuresh Prasad, J)

s.hassan/-

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