

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2666 of 2020**

Omprakash Manikpuri S/o Shri Ramayan Das Manikpuri Aged About 46 Years R/o Village And Post Semartal, Thana-Koni-District-Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Nava Raipur, Chhattisgarh.
2. Deputy Director (Finance) Directorate Of Employment And Training, Indrawati Bhavan, Atal Nagar, Raipur, Chhattisgarh.
3. Principal, Industrial Training Institute, Saddu, Raipur, Chhattisgarh.
4. Civil Surgeon District Hospital, Raipur, District- Raipur, Chhattisgarh
5. Account Officer Directorate Of Employment And Training, Indrawati Bhavan, Atal Nagar, Raipur, Chhattisgarh.

---- Respondent

For petitioner - Shri Pranjal Shukla, Advocate.
For Respondent/State – Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****13/07/2020**

Heard.

1. Learned counsel for the petitioner would submit that in the earlier round of litigation in WPS No.550/2020 this court by order dated 2/03/2020 at para 12 has held as under:-

“The Rules purports that contract employee are also the beneficiary under the Rules of 2013. The definition of family includes "the mother and the father when they are dependent", therefore, prima facie the rejection of the petitioner's claim under the C.G. Civil Services (Medical Care) Rules, 2013 on the ground that the petitioner is not entitled since the petitioner is contract employee appointed under the C.G. Civil Services (Contract Appointment) Rules, 2012 are factually wrong. In a result, Annexure P-1 dated

01.05.2019 is set aside, the case of the petitioner is remitted back to Respondent No. 2 to pass a fresh order by considering the C.G. Civil Services (Medical Care) Rules, 2013. The correspondence made by the Director Health with respect to the case of the petitioner since the documents show that the recommendation of the Civil Surgeon and other formalities was already completed, therefore, the respondents shall issue the order of entitlement of the petitioner afresh within a period of 15 days from the date of receipt of a copy of this order so that the treatment can be availed forthwith."

2. It is further contended that subsequently the estimate for the treatment of the cancer has been given by the hospital by letter dated 3/04/2020 (Annexure P-2) wherein expenditure of Rs. 15 lakhs have been shown for treatment, therefore the petitioner again wrote a letter to the Principal, Industrial Training Institute, Saddu, Raipur by Annexure P-3 and the said letter was routed through the office of the Civil Surgeon, District Hospital and Civil Surgeon has also recommended for release of 80% of the amount of Rs.15 lakhs after verification of the record. Pursuant thereto the Principal wherein the petitioner is working has forwarded the recommendation of the Civil Surgeon to release the amount. Learned counsel for the petitioner submits that under the circumstances, respondent may be directed to release the amount which has been sent by the Principal Industrial Training Institute which is based on the letter of recommendation of Civil Surgeon.

3. Learned State counsel would submit that the issue has already been settled in the earlier round of litigation.

4. Taking into fact that in support of the estimation for treatment the expenses to be incurred was projected by the Sanjeevani Cancer Hospital of Rs.15 lakhs which subsequently has been routed through by the Civil Surgeon, District Hospital wherein also Civil Surgeon has accorded proposed expenditure of Rs.15 lakhs and has requested for release of

80% of the amount in favour of the hospital. The correspondence appears to have been made by the Principal of the Industrial Training Institute to the Account Officer, Directorate of Employment and Training, Indrawati Bhavan, Raipur. Under the circumstances, since recommendation has already been made by different officer of the State, the respondent No.5, Account Officer to whom the letter is addressed is directed to expedite the process of payment and release the respective amount so that immediate treatment can be provided to the mother of the petitioner who is suffering with cancer. Aforesaid decision should be taken within an outer limit of four weeks.

5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE