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05.07.2022
Ct. No.23
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9407 of 2022

Shankar Dayal Poddar
Vs.
Union of India & Ors.

Ms. Sonam Basu
... For the petitioner

Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick
Ms. Rima Biswas
... For the respondents/UOI

Affidavit of service filed in Court today is taken on record.

The petitioner while working as a Constable (Fire) in the Central Industrial Security Forces (in short "CISF") submitted medical bills towards the treatment of his mother. At the point of time when the bills were submitted the petitioner was posted at Telangana. The petitioner while posted at Telangana was subjected to a disciplinary proceedings which resulted in his dismissal on 14th January, 2022. The petitioner has challenged the order of rejection of the medical bills submitted by the petitioner.

On behalf of the respondents, a preliminary objection as to the lack of territorial jurisdiction of this Court in receiving, trying and determining the writ petition has been raised. It is submitted by the respondents that

the entire cause of action arose outside the State of West Bengal and, as such, no part cause of action accrued within the territorial jurisdiction of this Court to permit the petitioner to file the instant writ petition.

The petitioner is ordinarily a resident of Uttarpara, District – Hooghly in the State of West Bengal. After being terminated from service, the petitioner is staying at his residence at Uttarpara.

Considering the said facts, I am of the view that the petitioner will be subjected to greater hardship if he is relegated to file a writ petition before the Telangana High Court on the ground that the medical bills were submitted at the petitioner's office at Telangana and the rejection took place at Telangana. On the other hand, Union of India, being the principal respondent, will not be placed in much inconvenience if it has to defend the litigation before this Court. Union of India has empanelled advocates in this Court who can effectively represent the respondents and produce before this Court the necessary papers and documents if so required by collecting the same from the employer.

On this ground alone, I am rejecting the contention of the respondents and hold that the writ petition is maintainable in this Court.

The order rejecting the bills is dated 16th February, 2021. The first claim of the petitioner for Rs.11,170/- has

been rejected on the ground that three months previous prescription was not mentioned and the name of the disease for which the petitioner's mother is suffering has not been indicated. The other bills are also been rejected on one ground or the other. The reasons regarding rejection of the last bill has been given in a memo dated 17th December, 2021, appearing at page 82 of the writ petition.

After going through the reasons for rejection of the claim as aforesaid, I am unable to accept the reasons to be cogent. The rejection of petitioner's claim on account of his mother's treatment is set aside.

The authorities concerned are directed to consider afresh the petitioner's claim for medical bills towards expenses incurred for his mother's treatment. The entire exercise shall be completed within eight weeks from date.

Since the respondents are represented, no further notice will be served on them. However, by way of abundant caution, the petitioner shall serve a copy of this order downloaded from the official website of this Court upon the Senior Commandant, CISF, Fire Service Training Institute, CISF NISA Campus, Hakimpet, Secunderabad, Telangana, Pin – 500078, who shall act on the basis of such server copy without insisting upon production of certified copy thereof.

The petitioner shall render all co-operation, including submission of the documents that may be

required for the purpose of reconsidering the petitioner's claim.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)