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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10102 of 2022

Joy Sankar Chakraborty
Vs.
Union of India & Ors.

Mr. Santanu Chatterjee,
Mr. Rajendra Kumar Nandi
... For the petitioner.

Mr. Bhudeb Chatterjee
... For Union of India

The petitioner is a member of the Central Industrial Security Force (in short, CISF) and is presently serving as a Constable General Duty in CISF Unit RSP at Rourkela. The petitioner's father is dependent on the petitioner. The petitioner's father suffered a heart attack on 3rd June, 2015, at Rupnarayanpur for which he had undergone treatment at Medica Super Speciality Hospital, Kolkata, after being recommended by the Medical Officer at Pithaikaery Primary Health Centre, being the nearest health centre where the petitioner's father fell ill to a hospital at Asansol wherein the requisite treatment and facilities were not available. A sum of Rs.1,54,684/- was incurred for the treatment of the petitioner's father. The petitioner claimed the same through Central Government Health Scheme (in short, CGHS) in accordance with the service rules applicable to the petitioner. Subsequently, CISF has sought to recover the said sum of Rs.1,54,684/- on the ground that instead

of treating the petitioner's father in a hospital at Asansol he was taken to Kolkata and treated at Medica Super Speciality Hospital.

The petitioner had taken his father to the hospital at Asansol but the medical facilities for treating his father was not available there at for which he was brought to Medica Super Speciality Hospital, Kolkata. The fact remains that Medica Super Speciality Hospital wherein the petitioner's father was treated is an accredited hospital scheduled under CISF rules. The hospital had raised bills on basis whereof a sum of Rs.1,54,684/- was disbursed by the CISF authorities. There is also no dispute that the petitioner's father is dependent on the petitioner.

In the aforesaid facts and circumstances, the order dated 3rd December, 2021 for recovery of the said amount and the rejection order dated on 10th March, 2022 based on petitioner's prayer requesting not to recover the said sum of Rs.1,54,684/- is liable to be set aside and is accordingly set aside.

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, allegation made in the writ petition are deemed to have

not been admitted by the respondents.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court, without insisting upon production of a certified copy thereof.

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

(Arindam Mukherjee, J.)