

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5126 of 2018

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Ajit Kumar S/o Late Ganesh Prasad Gupta, R/o Janta Flat, ER- 286,
Bhoothnath Road, Sector- 6, Bahadurpur Housing Colony, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Bihar.
2. Sanjay Kumar Agarwal, Secretary, Transport Department, Government of Bihar.
3. Arvind Kumar Chaudhary, Administrator, BSRTC, Govt. of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Verma, Advocate.
For the B.S.R.T.C.	:	Mr. P. K. Verma, Sr. Advocate.
For the State	:	Mr.Sarvesh Kumar, GP-24

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 06-04-2023

Heard Mr. Sanjeev Verma, learned counsel appearing on behalf of the petitioner; Mr. P. K. Verma, learned senior counsel assisted by Ms. Vijaya Laxmi Srivastava, learned counsel for the Bihar State Road Transport Corporation and Mr. Sarvesh Kumar, learned GP-24 for the State.

2. Learned counsel appearing on behalf of the petitioner informs this court that the petitioner who was posted as Junior Storekeeper (Class-IV) in Bihar State Road Transport Corporation had suffered from chronic heart disease and was required to be treated at Indira Gandhi Institute of Cardiology, Patna, which is an autonomous body, substantially funded by the State Government. The Director of the said Institute had



estimated Rs.55,000/- for the treatment of the original petitioner in the year 2002. The petitioner due to non-availability of aforesaid amount was left untreated. Finally the Bihar State Road Transport Corporation adopted Ex-gratia/CPF payment in Serious Medical situations by enacting Medical Situation Regulations, 2002 on the intervention of this Court in C.W.J.C. No. 8149 of 2001 (Ajit Kumar Vs. State of Bihar and others). The Regulation prescribes ceiling for treatment to different diseases which has been prescribed at Annexure-1 to the Regulations, 2002. The Director of the Indira Gandhi Institute of Cardiology informed vide Letter No. 322 dated 11.05.2006 that an amount of Rs. 28,500/- has been received and the petitioner was directed to come within ten days for his treatment. The amount was insufficient for treatment. The petitioner who died during the pendency of the case had filed the present writ petition in the year 2018.

3. Learned senior counsel appearing on behalf of the Bihar State Road Transport Corporation informs this Court that the petitioner retired in the year 2008 and on account of retiral benefits he was given substantial amount, approximately Rs.7 - 8 lacs, still the petitioner chose not to be treated and finally the petitioner died during the pendency of the writ petition. He



further submits that as the original petitioner was to be treated and he has died, the present writ petition has become infructuous. Legal heirs of the original petitioner has no locus to pursue the matter.

4. Considering the rival submissions of the parties, it appears to this Court that the stand of the Corporation that the original petitioner had deliberately got not treated himself don't stand the requirement of the time. The petitioner was detected suffering from chronic heart disease and for treatment of the same, Rs.55,000/- was estimated by the authorities of the PMCH and Indira Gandhi Institute of Cardiology. On the intervention of this Court, the Corporation came up with "Ex-gratia/CPF payment in Serious Medical Situations Regulations, 2002" which came into force after much delay. The Corporation sanctioned only Rs.28500/- to the Institute in terms of the ceiling as provided in Annexure appended to the Regulation, 2002.

5. Such being the pathetic condition of the poor original petitioner, who was an employee of almost a dead Corporation, however, is still striving to be revived and is dependent on the grants aided by the State Government, this Court can only observe that the authorities of the Corporation



must have some compassion for its employees without whom the Corporation cannot remain functional. The employees are still serving the Corporation in the hope that one day the Corporation will be revived and their sacrifices has been left unseen by the Managing Director as in the present case. The Corporation is well advised to reassess the medical expenses and the ceiling provided in Annexure-1 to meet the medical expenses of the employees.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.04.2023
Transmission Date	N.A.

