

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17339 of 2013**

Radheshyam Pathak Son of Late Harishwar Pathak, Resident of Village - Jhagara Khand, P.S. Bhawanathpur, Garhwa (Jharkhand) at present residing at Malviya Nagar, Nai Basti, Mahadeva, PS and District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Siwan
5. The District Education Officer, Siwan
6. The District Programme Officer, Establishment , Siwan

... .. Respondent/s

**Appearance :**

|                    |   |                              |
|--------------------|---|------------------------------|
| For the Petitioner | : | Mr. Bajarangi Lal, Advocate  |
| For the State      | : | Mr. Uday Prasad, AC to GP-22 |

**CORAM: HONOURABLE MR. JUSTICE NANI TAGIA**  
**ORAL JUDGMENT**  
**Date : 28-10-2024**

Heard learned counsel for the parties.

2. The petitioner, who was a Clerk in the office of District Programme Officer (Establishment), Siwan, has filed this writ petition for payment of Rs.22515/- as the medical expenses incurred by him for undergoing specialised Phaco treatment in a Hospital called Buddha Eye Care and Laser Centre, Patna on 24.02.2012.

3. The petitioner contends that after the aforesaid expenditure was incurred for his eye treatment, the petitioner had submitted the bill for payment by the authority. The



petitioner contends that the State Government by a resolution contained in Memo No. 1070(4) dated 20.05.2006 had delegated powers for reimbursement of medical expenses incurred by employees on themselves or upon their wards, whereby the Secretary of the concerned Department had been vested with the power to grant sanction of medical expenses for an amount of Rs.20,000/- to Rs.2,00,000/-. Despite the aforesaid, the petitioner has not yet been paid the medical expenses incurred by him, contends the petitioner.

4. The respondent No.6 has filed a counter affidavit wherein, in paragraph Nos.5, 6 and 7, it has been stated as under:

“5. That the petitioner was working as Clerk in the Office of District Programme Officer (Establishment) Siwan. The petitioner was operate his eye in Budha Eye Care and Laser Centre, Patna on 24.02.2012. After treatment the petitioner submitted application alongwith expenses bill amounting of 22,515/- before the Director, Primary Education, Bihar Patna. The then District Programme Officer (Establishment) Siwan forward the reimbursement of his medical expenses at relevant time vide letter No.432 dated 13.04.2012. (Annexure-3 and 4 of the writ petition).



6. That after knowledge of the instant case, the District Programme Officer (Establishment) Siwan again send the letter vide letter No.151 dated 13.02.2023 to the Joint Secretary, Education Department, Govt. of Bihar with request to grant medical Bill of petitioner and also allotted the fund of Rs.22,515/- so that grievance of the petitioner may be redressed.

7. That in view of aforesaid facts and circumstances, it is stated that after approval and receiving the allotment from the government, the medical bills of petitioner will be paid without any delay.”

5. On perusal of the stand taken by the respondent No.6 in the counter affidavit filed, the relevant part of which has been extracted hereinabove, it is noticed that the respondent No.6 has not denied the entitlement of the petitioner an amount of Rs.22515/- for the medical expenses of the petitioner as incurred. The respondent No.6 has neither denied that in terms of resolution contained in Memo No. 1070(4) dated 20.05.2006, the Secretary of the concerned Department had been vested with power to grant sanction of medical expenses of Rs.20,000/- to Rs.2,00,000/-.

6. All that the respondent No.6 in the counter affidavit has said is that the request of the petitioner to



reimburse the medical expenses incurred by him on account of his undergoing eye treatment as aforesaid is under process and once the approval is given by the Government, the medical bill of the petitioner will be paid without any delay.

7. In view of the respondent No.6 having not denied the entitlement of the petitioner for an amount of Rs.22515/- as claimed by the petitioner for the medical expenses he has incurred and also having taken note of the fact that this writ petition is of the year 2013 and the claim of the petitioner is for the expenses he has incurred in the year 2012, this writ petition is hereby disposed of with a direction to the respondent authorities to pay the petitioner a sum of Rs.22515/- as the medical expenses incurred by the petitioner on 24.02.2012 for undergoing specialised Phaco treatment in the Hospital called Buddha Eye Care and Laser Centre, Patna.

8. Since the reimbursement of the medical expenses incurred by the petitioner is found to be inordinately delayed by the respondent authorities, the aforesaid amount shall carry an interest at the prevailing nationalised Bank rate from the date the petitioner was entitled to.



9. The writ petition is disposed of with the  
aforesaid directions.

**(Nani Tagia, J)**

Narendra/-

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| AFR/NAFR          | NAFR       |
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