

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8312 of 2018

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Bharat Vishal, son of Late Raj Kishore Sinha, resident of C/o Arbind Srivastava, Flat No. 404, Block-B, Ashirbad Enclave, West Anandpuri, P.S.- S.K. Puri, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar Vidhan Sabha Through Its Secretary and Ors
2. The Secretary, Bihar Vidhan Sabha, Bihar, Patna.
3. The Deputy Secretary, Bihar Vidhan Sabha, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv
For the Respondent/s : Mr.Kaushal Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-07-2024 Learned counsel for the petitioner and counsel for the Bihar Vidhan Sabha.

I.A. No. 01 of 2023

2. Counsel for the petitioner submits that the present I.A. has been filed for substitution of the name of the Bharat Vishal, son of Late Raj Kishore Sinha the Class-I legal heir, and he has filed Vakalatnama on behalf of the son of the petitioner.

3. Counsel for the State submits that the said interlocutory application is not proper due to the reason that petitioner has not mentioned in the said substitution petition that how many legal heir and representative of the petitioner are there, rather he has mentioned only one name stating that he is class I heir which is not correct proposition of law.



4. After hearing the parties, this Court agrees with the contention of the counsel for Bihar Vidhan Sabha that petitioner has mentioned only one name in the substitution petition showing his son as only class I heir but he has not disclosed the fact that whether he has the only class I legal heir or there are other persons also who come in this category but it is also true that petitioner being class I heir has the right to pursue this case as keeping the matter pending since year 2018 is just a wastage of time. Therefore, this Court is of the view that the payment with regard to the claim of the petitioner's wife shall be provided/distributed among all the heirs and legal representative of the petitioner's wife upon providing the certificate.

5. For the purpose of disposal of this case, the I.A. No. 01/2023 is hereby allowed with the aforesaid observation.

6. Office is directed to delete the name of the petitioner from the array of the parties and in his place insert the name of the legal heir/representative of the deceased petitioner as detailed in paragraph-1 of the interlocutory application.

Re. C.W.J.C. No. 8312 of 2018

7. The present writ petition has been filed for reimbursement amount for medicine of the petitioner's wife as she underwent treatment of leukemia in the Tata Memorial



Hospital, Mumbai and in Jagdish Memorial Hospital Kankarbagh, Patna as, she was the employee of the Vidhan Sabha and her retiral dues have already been paid and medical expenses has not yet cleared by the authorities of the Vidhan Sabha.

8. Learned counsel for the Vidhan Sabha submits that a detailed counter affidavit has been filed in which it has been clearly mentioned that the petitioner's wife was employee of the Vidhan Sabha and has claim of the medicine reimbursement to the tune of Rs. 2,00,609/- (Rs. 77,958 of Tata Memorial Hospital Mumbai and Rs. 1,22,651 of Jagdish Memorial Hospital, Kankarbagh, Patna). He further submits that the bill of medicines which was submitted by the petitioner was not an authentic bill as the same was not counter signed by the hospital management nor the seal of hospital was there and moreover discharge summary was also not attached which is one of the important document for reimbursement in the light of the guidelines issued by Health Department, Government of Bihar vide letter no. 1182 (14) dated 02.06.2006. He also submits that Jagdish Memorial Hospital, Kankarbagh, Patna is Private Hospital and not under the list of C.G.H.S. Patna as such petitioner's wife was not entitled for reimbursement of the



medicine expenses. He further submits that the retiral benefit of the petitioner's wife has already been paid which is total of Rs. 27,99,809/- in 2016 itself.

9. In the light of the submissions made, it transpires to this Court that the wife of the petitioner was employee of the Vidhan Sabha and her son has pursued this case by way of interlocutory application. It is directed to the authorities of the Vidhan Sabha that they themselves verify from both the hospitals mentioned above the authenticity and genuineness of the medical bill and if the bill is found to be genuine then concerned authority is directed to reimburse the bill of the petitioner's wife. Jagdish Memorial Hospital, Kankarbagh Patna is not registered under the CGHS, Patna then as argued then also in that case, if it has been found that the bill of the Jagdish Memorial Hospital, Kankarbagh Patna is authentic then authorities are directed to reimburse the medicine bill amount at the rate of the CGHS hospitals working in Patna. It is made clear that the entire payment shall be made not only to the son of the petitioner rather shall be paid to all the heirs and legal representatives equally. So far as the payment relating to the interest on the retiral benefits is concerned, no such order has been passed in favour of the petitioner in the earlier writ filed



before this Court in C.W.J.C. No. 7299 of 2015 dated 29.06.2015 also this Court is of the view that no such interest shall be paid.

10. Accordingly, the present writ application stands disposed off.

(Dr. Anshuman, J)

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