

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11703 of 2019

Specialist Hospital and Research Centre Central Bank Road, Sheohar, District Sheohar, through its Proprietor Dr. Abhash Kumar Son of Shri Amarendra Kumar, Resident of Central Bank Road Choti Rani Campus, Ward No. 15, P.O. and P.S. Sheohar, District Sheohar ... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Sheohar.
2. The Principal Secretary, Health Department, Government of Bihar, Vikas Bhawan, Patna
3. The State Programme Officer, State Health Society, Bihar Pariwar Kalyan Bhawan, Patna-800014
4. The Executive Director, Rashtriya Swasthya Bima Yojna, State Health Society, Bihar Pariwar Kalyan Bhawan, Patna-800014.
5. The United Insurance Company Limited, through the Chief Regional Maager, 6/7th Floor, BSFC Building, Fraser Road, Patna-800001.
6. The Regional Manager, United India Insurance Company Limited, Chanakya Tower, R-Block Patna-800001
7. The Union of India, through the Ministry of Health and Family Welfare, Department Room No. 348A, Wing, Nirman Bhawan, New Delhi
8. The Union of India, through the Ministry of Health and Family Welfare Department Room No. 348A, Wing, Nirman Bhawan, New Delhi.
9. Bihar State Health Security Society, Patna through its Administrative Office, New Building Old Secretariat, Patna. ... Respondents

with

Civil Writ Jurisdiction Case No. 14467 of 2019

Nayansukh Netralaya LLP a Partnership firm having its registered office Near Chirai Ghar, Town and PS Gopalganj, Dist. Gopalganj through its partner Sushil Kumar Singh aged about 40 years, Male, son of Late Vijay Kumar Singh, resident of Village Koini, PS Manjhagarh, Dist. Gopalganj ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Patna
2. The State Nodal Authority, Rashtriya Swasthya Bima Yojana cum Executive Director, Bihar State Health Society, Patna, Patna
3. The District Key Manager cum Deputy Development Commissioner, Gopalganj
4. Reliance General Insurance Company Ltd., a company registered under the Companies Act having its registered Office at 570, Rectifier House, Naigum Cross Road, Wadala (W), Mumbai
5. The District Magistrate cum Chairman, District Core Committee, RSBY, Gopalganj
6. The Additional District Key Manager, RSBY cum Additional Chief Medical



Officer,Gopalganj

7. The Union of India through the Secretary,Ministry of Health and Family Welfare,Govt. of India,New Delhi.
8. Bihar Health Security Society through Chief Executive Officer, New Annex Building, Old Secretariat, Patna.
9. Chief Administrative Officer, Bihar Health Security Society, Patna.

... Respondents

with

Civil Writ Jurisdiction Case No. 18441 of 2019

Jivan Jyoti Eye Hospital Jamalpur Road, Satbighi, Sheikhpura, District-Sheikhpura, Bihar- 811105 through its proprietor Rakesh Ranjan, Gender-Male, Son of Ram Kishor Prasad, aged about 38 years, resident of Warsaliganj, Paingari, District- Nawada, Bihar- 805130 ... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi- 110001.
2. The Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi- 110001.
3. The Directorate General of Labour Welfare, Ministry of Labour and Employment, Government of India.
4. The State of Bihar through its Principal Secretary, Department of Labour Resources, Govt. of Bihar, Patna.
5. The Principal Secretary, Department of Labour Resources, Govt. of Bihar, Patna.
6. The State Health Society, Bihar through its Executive Director.
7. The Executive Director, State Health Society.
8. The Deputy Development Commissioner, Seikhpura.
9. The District Magistrate, Seikhpura- cum-Chairman of District Core Committee, national Health Insurance Programme.
10. The Civil Surgeon, Sheikhpura-cum- Secretary, District Health Society, Seikhpura.
11. United India Insurance Company Limited through its Regional Manager, 3rd Floor, chanakya Tower, Birchand patel Marg, R-Block, Patna- 800001.
12. The Regional Manager, United India Insurance Company Limited, 3rd Floor, Chanakya Tower, Birchand patel Marg, R-Block, Patna- 800001.
13. The Chief Executive Officer, Bihar Health Security Society.
14. The Chief Administrative Officer, Bihar Health Security Society.

... Respondents



Appearance :

(In Civil Writ Jurisdiction Case No. 11703 of 2019)

For the Petitioner/s : Mr.Suraj Samdarshi, Adv.
For the State : Mr.Rohitabh Das, AC to AAG XIII
For the Society : Mr. Shantanu Kumar, Adv.
For Respondents 10 & 11 : Mr. D.K. Singh, Adv.
For the Insurance : Mr. D.N. Singh, Adv.

(In Civil Writ Jurisdiction Case No. 14467 of 2019)

For the Petitioner/s : Mr.Shakti Suman Kumar, Adv.
For the Respondent/s : Mr .S. D. Yadav (Aag9)

(In Civil Writ Jurisdiction Case No. 18441 of 2019)

For the Petitioner/s : Mr.Vikash Kumar, Adv.
For the Respondent/s : Mr.Ajay Kr. Rastogi (Aag10)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

9 29-01-2024 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“(i) For a direction to the respondent authorities and in particular the respondent no. 5 and 6, to disburse the amount in accordance with the guidelines framed under Rashtriya Swasthya Bima Yojna, for which the petitioner has successfully executed/performed the surgery and despite providing details thereof, the respondents have failed to pay the charges from March, 2015 to March, 2017.

(ii) For a direction to the respondent authorities and in particular the State Nodal Agency, to provide the details to respondent Insurance Company for early disposal of the claim, which is pending since March, 2017.

(iii) For a direction to the respondent authorities to make payment of the outstanding amount along with interest, as the same include the cost of medicine, as also incidental cost to the surgery performed by the



petitioner; and for any other relief or reliefs, to which the petitioner is found entitled in the facts and circumstances of the case.”

3. The petitioners in the present case are aggrieved by non-settlement of their claims and payment of the bills raised in terms of the agreement. It is submitted that as per the terms of the conditions of contract relating to payment of Bills, the petitioners have raised their online claim. The petitioners have also submitted the discharge summary in accordance with the rate as prescribed in the agreement on a daily basis but their claims have not been paid till date.

4. Learned counsel for the respondents submits that in this case the petitioners have been submitting their claims online along with the discharge summary on each day and in case of non payment of the claims, the petitioners ought to have invoked the arbitration clause contained under the agreement. However, the petitioners have chosen to file this writ application.

5. Learned counsel submits that this Hon'ble Court exercising writ jurisdiction under Article 226 of the Constitution of India cannot decide disputed questions of fact and would not act as a fact finding Court to enquire as to whether the



petitioners have actually executed the work and submitted Bills or not claimed by them. Learned counsel has stated under similar circumstances, a co-ordinate Bench of this Hon'ble Court in C.W.J.C. No. 12421 of 2012 vide order dated 01.08.2012 has given a direction to the State Level Grievance Redressal Committee to verify the bills submitted by the petitioners and take a decision in the matter in accordance with law within a period of two months. It is submitted that similar order may also be passed in the present case as well.

6. Having regard to the above submissions made by the learned counsel for the parties and on perusal of the records, this Court is of the opinion that this Court is not in a position to record a finding as to whether the petitioners having actually worked and submitted the Bills. It would, however, direct the State Level Grievance Redressal Committee to look into the grievance of the Petitioners in terms of the agreement, consider the same, pay interest if not paid in time and take a decision thereon within a period of two months from the date of receipt/production of a copy of this order.

7. In case the petitioners are found to have submitted their online claims with discharge summary and all other necessary documents required in terms of the agreement on each



date as have been claimed in the writ application and they are found to be genuine and payable, then the respondents shall pay the admitted claim of the petitioners after taking a decision thereon as above within one month thereof.

8. The writ petition stands disposed off accordingly.

(A. Abhishek Reddy , J)

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