

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.163 of 2023

In
Civil Writ Jurisdiction Case No.12317 of 2011

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1. The State of Bihar through The Principal Secretary, Deptt. of Finance, Govt. of Bihar, Patna.
 2. The Principal Secretary Registration, Excise and Prohibition Deptt., Govt. of Bihar, Patna.

... .. Appellant/s

Versus

Md. Kamal Ashraf, Son of Late Syed Abdul Nadeem, R/o- MH-A-8, Ali Nagar Colony, P.S.- Gardanibagh, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rewti Kant Raman (A.C. To S.C.11)
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 24-09-2025

The present intra-court appeal has been filed by the appellants/State of Bihar against the judgment dated 21.09.2022, passed by the learned Single Judge in CWJC No. 12317 of 2011, whereby the writ petition was disposed of holding the entitlement of the petitioner for interest @ 6% per annum from 1st August, 2011 till 11.08.2022, the date on which the medical reimbursement has been settled in full and if the interest is not paid within the stipulated period, the petitioner shall also be entitled to litigation cost of Rs. 25,000/-.



2. The facts on record are that the petitioner/respondent herein was admitted in emergency at Jevak Heart Hospital, Patna where his angiography was conducted and three arteries were found blocked. The doctor advised him to undergo bypass surgery as soon as possible. Thereafter, the petitioner approached AIIMS, New Delhi for operation but immediate accommodation was not available. Thereafter, he was admitted in ESCORT Heart Hospital, New Delhi where he underwent successful bypass surgery and was discharged on 29.01.2009. On 21.10.2009, the petitioner applied for reimbursement of medical expenses amounting to Rs. 5,59,772/-. However, vide letter no. 846 dated 21.03.2011, petitioner's claim was rejected on the ground that prior permission was not taken from the Department for treatment outside the State of Bihar, which is in violation of the Notification dated 20.05.2006 of the Health Department. Aggrieved by this, the petitioner preferred CWJC No. 12317 of 2011 seeking reimbursement of the aforesaid medical expenses.

3. The learned Single Judge found that during the pendency of the writ petition, petitioner's claim has been settled in respect of medical reimbursement on 11.08.2022. The learned Single Judge further held that since there was belated settlement



on the part of the concerned respondent, petitioner is entitled to interest on the belated settlement of medical reimbursement and directed the respondents/appellants herein to pay interest at the rate of 6% per annum from 1st August, 2011 till 11.08.2022, the date on which medical reimbursement has been settled in full. The said interest was to be paid within a period of two months from the date of the order of the learned Single Judge. The learned Single Judge further held that if interest is not paid within the stipulated period, the petitioner shall be entitled to litigation cost of Rs. 25,000/-.

4. Aggrieved by the aforesaid judgment, the present appeal has been preferred.

5. Learned counsel for the appellants submitted that the delay in reimbursement was partly attributable to the respondent as he had not countersigned the documents as also had not complied the terms and conditions stipulated in the Notification dated 20.05.2006. It is further submitted that before filing the writ petition, the respondent could have approached the authority concerned under the Bihar Litigation Policy, 2011 and avoided the litigation, but since the respondent did not do so, the appellants herein could not pay the concerned amount as the matter was sub-judice. Further, the learned counsel for the



appellants submitted that after an order of the learned Single Judge, the appellants immediately reimbursed the amount to him on 11.08.2022, and therefore, appellants cannot be held responsible for the delay by imposition of interest at the rate of 6% in addition to the litigation cost of Rs. 25,000/-.

6. It is undisputed that the respondent herein is entitled to the amount for reimbursement of his medical expenses, and the same had been paid by the concerned department when the writ petition was pending. The singular question before the writ court was that whether the respondent herein was entitled for the interest on the amount of medical reimbursement which had already been settled by the concerned department. The said question was answered in affirmative by the learned Single Judge taking into account the inaction of the appellants (respondent therein).

7. For a period of almost 13 years, there was non-payment of the medical reimbursement by the appellants and the respondent had to approach this court for settlement of medical reimbursement. The arguments of the appellants cannot be accepted by this court, as the appellants themselves made the payment of the amount in pendency of litigation. Thus, the claim of the respondent has not been disputed and the claim of



the respondent was delayed due to inaction on part of the appellants.

8. Therefore, we are of the view that the learned Single Judge has rightly held the petitioner entitled for interest on the reimbursement amount.

9. Accordingly, we do not find any reason to interfere with the order of the learned Single Judge, and the present appeal stands dismissed.

10. Interlocutory application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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