

Mostt. Anar Kali Devi Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Nov-02-2007

Judge : S.K. Katriar, J.

Appellant : Mostt. Anar Kali Devi

Respondent : The State of Bihar and ors.

Judgement :

S.K. Katriar, J.

1. None appears on behalf of the petitioner. Heard Mr. Sunil Kumar Mandal, learned Standing Counsel No. 15 for the respondents. This writ petition has been preferred by the widow of the late employee (late Sheo Kumar Singh) for a direction to the respondent authorities to reimburse the medical expenses incurred by her late husband.

2. It appears that Sheo Kumar Singh, the petitioner's husband, was a teacher in Rajkiya Uchch Vidyalaya (Inter level), Patna High School, Gardanibagh, Patna. On account of cardiac problem, he was rushed to Delhi and had reported at All India Institute of Medical Sciences. On account of paucity of beds, he was advised to report after four weeks. The petitioner's husband was in a very bad condition and was, in fact, in a state of unconsciousness. He had, therefore, to be admitted in that state of unconsciousness in Escorts Heart Institute and Research Centre, New Delhi, on 23.3.1994 and had undergone permanent dual-chamber pace-

maker implantation. He was for this purpose in the hospital from 23.3.1994 to 30.3.1994. The petitioner had to pay a sum of Rs. 1,25,595/- to Escorts for the heart surgery excluding the expenses over medicine etc. Photo copy of the certificate -cum- receipt issued by the Escorts is marked Annexure-3 to the writ petition. It further appears that the petitioner's husband was required to go to Escorts once every three months for review and medical check up. The claim for reimbursement submitted by the late employee before the appropriate authorities was not paid. He had, therefore, submitted an application dated 12.8.1994 (Annexure-4) before the Bihar School Examination Board for intervention. I am mindful of the position that this application was misdirected but nothing prevented the respondent authorities from taking note of the contents of the same after institution of the writ petition.

3. The heart problems of the petitioner's husband revived and was admitted in the Indira Gandhi Institute of Cardiology, Patna, from 5.12.1997 to 9.1.1998. He died on 9.1.1998 on account of conduction disorder, Post PPI, Jaundice, Hepato renal Synd., and Cardio-respiratory failure. A photo copy of the death certificate signed by the Officer on duty (Resident Medical Officer) of 2.3.1998 is marked Annexure-1 to the writ petition. I must clarify that the Director has put his signature and has inadvertently put the date as 4.3.1997. This is obviously a -typographical error for 4.3.1998. Respondent No. 5 (Principal, Shahid Rajendra Prasad Singh, Rajkiya Uchya Vidyalaya (Inter level), Patna High School, Gardanibagh, Patna-1), thereafter forwarded his communication dated 28.8.1999 (Annexure-2) on behalf of the present petitioner to the District Education Officer, Patna, along with the enclosures thereto for reimbursement.

4. The late employee had also spent a sum of Rs. 33,793.37P. over purchase of medicines during his hospitalization in Indira Gandhi Institute of Cardiology and the vouchers whereof were forwarded along with Annexure-2.

5. Copies of this writ petition were served on the learned Government Counsel way back on 9.8.2000, whereafter it was laid before the Bench on 17.8.2000, 17.11.2006, and 19.7.2007, notwithstanding which the counter affidavit has not been filed. In fact, on 19.7.2007, the following order was passed:

None appears on behalf of the petitioner. Mr. Sunil Kumar Mandal, learned SC 15, is present. As prayed for by him, as a matter of extra-ordinary indulgence and as last opportunity, two months' time is granted to file the counter affidavit. It will be equally open to the respondent authorities to consider the representation submitted by the petitioner's late husband on 28.8.99 (Annexure 2) by a reasoned order, and place it on record within the same period. Put up after three months at the top of this list.

2. Let a copy of this order be handed over to learned Standing Counsel No. 15.

The respondents have not placed on record their counter affidavit and have not opposed the statements made in the writ petition. The same will be deemed to have been admitted by non-traverse.

6. It is thus manifest that the late employee had paid a sum of Rs. 1,25,595/- in Escorts, and Rs. 33,793.37P. was the expenditure over medicines while he was hospitalised in Patna. It is further manifest that the late employee had travelled to Delhi initially for the pace maker implantation, and subsequently for review and medical check-up once every three months. I would prefer to allow the claim for journey expenses to and fro by air-conditioned second class along with a companion for the first visit. I am, however, constrained to reject the expenses over the train journey on the subsequent occasions because of lack of adequate particulars in the writ petition.

7. The writ petition is disposed of with a direction to respondent No. 3 (The Commissioner and Secretary to Government, Human Resources Department, Bihar, Patna) to ensure the following payments to the petitioner expeditiously:

(i) Payment of the said sum of Rs. 1,25,595/- with interest at the rate of 18% with effect from 1.4.1994 till the date of payment.

(ii) Payment of journey expenses by train in air-conditioned second class for the late employee along with a companion to and fro along with interest at the rate of 18% with effect from 1.4.1994 till the date of payment.

(iii) Payment of Rs. 33,793.37P. along with interest at the rate of 18% from February 1998 till the date of payment.

(iv) Costs of this writ petition quantified at Rs. 10,000/-.

8. Let a copy of this order be forwarded to the petitioner, and another copy be handed over to Mr. Sunil Kumar Mandal, learned Standing Counsel No. 15.

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