

Priti Devi Vs. Road Construction

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Court : Jharkhand

Decided On : Dec-10-2015

Appellant : Priti Devi

Respondent : Road Construction

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 3831 of 2014
--- Priti Devi --- --- ---- Petitioner Versus 1. The State of Jharkhand 2. Secretary,
Road Construction Department, Government of Jharkhand 3. Under Secretary,
Road Construction Department, Government of Jharkhand 4. Executive Engineer,
Road Construction Department, Road Division, Koderma 5. Treasury Officer,
Koderma 6. Secretary, Health, Medical Education and Family Welfare Department,
Government of Jharkhand 7. Accountant General, Jharkhand --- --- Respondents
--- CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioner: Mr.
Ashish Kumar Thakur, Advocate For the Resp-State: Mr. Pratyush Lala, JC to GP-
IV For the Resp-AG: Mr. Sudarshan Shrivastava, Advocate --- 14/ 10.12.2015
Heard counsel for the parties.

2. It would be necessary to recap the progress of the proceedings from its inception in order to arrive at a final opinion about the subsisting grievance of the petitioner being persisted by the learned counsel for the petitioner. For this purpose, order dated 14.07.2015 is required to be reproduced, as it is, hereunder: Petitioner facing acute renal problem, has approached this Court for reimbursement of Medical Bills. Two of his medical treatments at Appollo Hospital,

Irba have also been reimbursed for different periods vide Annexures-4 & 6 i.e. up to June 2011. The Respondent No. 4 - Executive Engineer, Road Construction Department, Road Division, Koderma vide Annexure-9 dated 19.03.2015 forwarded his claim for necessary action to the department, but despite that, no final decision was taken and the writ petitioner had to approach this Court.

2. Considering the state of petitioner's health who has to undergo dialysis, respondents were allowed time to take a final decision on the petitioner's claim, for which even the Government Pleader No. IV also sought time to obtain instructions on 30.04.2015. The matter was adjourned again thereafter on the specific submission of the learned State counsel that the grievances of the petitioner towards reimbursement of Medical Bills will be redressed within a period of six weeks and all necessary formalities could also be completed. Petitioner was also expected to cooperate. After this, instruction was recorded in the order dated 15.05.2015, the matter was adjourned to 23.06.2015. Now, a counter affidavit has been filed on behalf of Respondent Nos. 2 to 4 on 26.06.2015 taking a plea that reimbursement of Medical Bills were earlier approved in terms of the guidelines of the Health Department Circular No. 354(1c) dated 15.09.2006. However, for reimbursement of other Medical Bills, petitioner has not submitted any document before the respondent-authorities to show that he had undergone indoor treatment or outdoor treatment. Reference has been made to the Memo No. 174 dated 09.02.2015 issued to the petitioner for submission of the documents in support thereof, whereafter only, a decision could be taken in respect of Medical expenses of the petitioner.

3. This stand of the Respondent No. 4 - Executive Engineer however is difficult to understand as he himself had forwarded the claim for medical reimbursement of the petitioner vide Annexure-9 for treatments ranging from 4th August 2011 to September 2012 totalling Rs. 2,73,643.70. Another 2. claim of the petitioner was also forwarded by Annexure-8 letter no. 438 dated 19.03.2014 by the same Executive Engineer for treatments undertaken from November 2012 to July 2013. Strange as it may sound, the Executive Engineer (Respondent No.

4) did not chose to seek any further document from the petitioner, if at all was required at the time he forwarded the petitioner's claim vide Annexures-8 & 9. As a result of that, much precious time appears to have lost which could have been duly undertaken in the processing of the petitioner's claim. The state of imbroglio has reached now.

4. To resolve the aforesaid state, the course which now seems to be proper is to direct the petitioner or his representative to appear before the Respondent No. 4 - Executive Engineer, Road Construction Department, Road Division, Koderma within a period of one week by 22.7.2011 with all supporting documents. The Respondent No. 4 would thereafter process the petitioner's claim and place it before the competent authority under the Road Construction Department after compliance of any other procedural requirements, as laid down in Circular dated 15.09.2006. Petitioner, if required, would also be available to appear before the Medical Board if such sanction is necessary for such processing. The Respondent No. 4 would ensure that the aforesaid formalities are completed within a period of two weeks thereafter. The competent authority under the respondent-Road Construction Department would take a decision on the petitioner's claim immediately thereafter and if the claim of the petitioner is found to be admissible and sanction / approval of the Health, Medical Education and Family Welfare Department is required in terms of the said Circular, such requirements should also be undertaken within a period of two weeks thereafter. It is expected that by the next date fixed, the respondent-Road Construction Department and the Health, Medical Education and Family Welfare Department take a final decision in respect of the petitioner's claim in accordance with law and bring it to the notice of the Court.

5. Needless to say, if in the meantime claim of the petitioner under any of the heads of treatment is found to be admissible, it is always open to the respondents to release the admissible amount so that necessary advance treatment, if required, can be undertaken by the petitioner at the specialized hospital.

6. The matter is therefore posted for 25.08.2015.

7. The Respondent No. 4 - Executive Engineer, Road Construction Department, Road Division, Koderma would be present on the next date before this Court and also file an affidavit relating to the outcome of the exercise to be undertaken as directed hereinabove.

8. Let a copy of the order be handed over to the counsel for the respondent State.

3. Unfortunately, the original petitioner passed away without any concrete outcome of the exercise being carried out by the respondents for reimbursement of the Medical Bills. His widow-present petitioner was substituted vide order dated 09.09.2015 passed in I.A. No. 5140/2015 which again requires reproduction hereunder: The applicant is the widow of the sole petitioner, who unfortunately passed away on 11.8.2015 during pendency of the writ petition where he was seeking medical reimbursement of treatment of his Renal problem. Learned counsel for the State does not object to the prayer. Accordingly, the prayer for substitution is allowed. Registry shall carry out the correction in the array of the parties in the main writ petition. I.A. No. 5140 of 2015 stands disposed of.

3. Learned Advocate General has appeared in the matter and apprised the Court about the processing of the bills of the petitioner-employee in terms of the Circular dated 15.9.2006 of the Health, Health Education and Family Welfare Department. It is submitted that for outdoor treatment reimbursement is not permissible even in such cases of acute Renal ailment. However, during course of the submissions, learned Advocate General has proposed that the provisions of the circular itself may be allowed to be given second thought for which he needs to deliberate with the concerned officials of the State. Accordingly, the matter is adjourned for three weeks. List this case on 30.9.2015. Personal appearance of the respondent no.4, Executive Engineer, Road Construction Department, Road Division, Koderma, is dispensed with.

4. As would appear, learned Advocate General had to intervene in the matter on the said day and on the assurance made on his behalf, the matter was adjourned once again. On 30.09.2015, respondent department brought on record the sanction letter no. 6660(S) and 6661(S) dated 23.09.2015, by which expenses for treatment of the original petitioner for the period November 2012 to July 2013 to

the extent of Rs. 1,86,576/- had been sanctioned and also deposited in the joint account of the widow-present petitioner thereafter.

5. Learned counsel for the petitioner however brought to the notice of the Court that Medical Bills of certain periods are still outstanding i.e. 07.04.2011 to 27.06.2011 and for the period August 2011 to September 2012. Once again the order dated 30.09.2015 is being extracted herein-below. In the supplementary counter affidavit filed, the respondent no. 4 has enclosed the sanction letter no. 6660(S) and 6661(S) of the same date i.e. 23.09.2015 by which expenses for treatment of the original petitioner for the period November, 2012 to July, 2013 to the extent of Rs. 1,86,576/- has been sanctioned. The said amount after clearance from Treasury has also been deposited in the joint account of the petitioner on 28.09.2015. Learned counsel for the petitioner submits that despite post facto sanction on 30.08.2011 granted for such treatment as evident from para-2 of the letter no. 6660(S) dated 23.09.2015 enclosed to the instant supplementary counter affidavit, no decision has been taken in respect of the medical treatment for the period 07.04.2011 to 27.06.2011, Annexure-5. This treatment has apparently been sanctioned by the Department vide Annexure-6 dated 16.06.2012, but no payment of the aforesaid expenses has been made. He also refers to the expenses incurred towards treatment of the employee between August, 2011 to September, 2012 as referred to by respondent no. 4 himself to the department vide Annexure-9 dated 19.03.2014 bearing memo no. 439 of which also no sanction or payment has been made. Learned counsel for the petitioner submits that only part payment has now been made for the medical treatment of the employee that too after the death. Learned counsel for the respondent-State submits that appropriate consideration of the claim as referred to hereinabove would also be made in accordance with law by the competent authority of the respondent- 4. department. Accordingly, he prays for some more time. Accordingly, list this case after four weeks on 05.11.2015. Order dated 30.09.2015 was passed allowing the respondent authorities of the State to accord appropriate consideration of such claim. Today when the matter has been taken up, counsel for the State has produced Memo No. 7860(S) dated 23.11.2015 whereunder, respondent Road Construction Department has granted post-facto sanction to the Medical Bills of the original petitioner Narayan Ram for the period August 2011 to September 2012

at Appollo Hospital, Irba, Ranchi. It is submitted that Treasury Officer, Koderma has also been communicated of the same and copy of the instant letter has also been sent to the present petitioner. Learned counsel for the State submits that the grievance of the petitioner have been addressed.

6. Counsel for the petitioner submits that payments for the period November 2010 to March 2011 towards medical reimbursement have not been made in full. Similarly, payments for the medical treatment for the periods 07.04.2011 to 27.06.2011, as per Annexure-5, have also not been made.

7. In the aforesaid State of facts, this Court is of the opinion now that if any remaining grievance of the petitioner persist, she should approach the competent authority under the respondent-Road Construction Department for redressal of the same, by way of representation with all supporting facts and documents, which should be considered in accordance with law, within a reasonable period, preferably twelve weeks thereafter. On consideration of the aforesaid sequence of development that have taken place leading to sanction of Medical Bills of the original petitioner by the respondent department, there is no reason to keep the writ petition pending any further. Accordingly, it is disposed of. (Aparesh Kumar Singh, J) Ranjeet/

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