
(2008) 06 JH CK 0024
In the Jharkhand High Court

Jacob Samuel

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-06-2008

Acts Referred:

Citation : (2008) 4 JCR 161

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties and with their consent this writ petition is being disposed of at this stage itself.

2. The petitioner, who is an Assistant in the Jharkhand High Court, has filed this writ application questioning the legality and validity of the order dated 21.5.2007, as contained in Annexure-6, issued under the signature of the Secretary, Law (Judicial) Department, Government of Jharkhand, Ranchi, whereby the Secretary, Law (Judicial) Department, has informed the petitioner that his application for reimbursement of his medical bills regarding the expenses incurred in course of the treatment of his wife, was sent to the State Medical Council but as per the report of the State Medical Council, the bill submitted by the petitioner claiming medical reimbursement was returned on the ground that the Raj Hospital and Research Centre, where the wife of the petitioner was admitted and treated, is not in the approved list of medical institutions of the State Government.

3. According to the petitioner, his wife Smt. Jessy Samuel, was in family way and the delivery was expected to be in the first week of June 2005 and she was under the treatment of Dr. (Mrs.) Sabita Roy. In the morning of 24th May 2005, his wife developed severe gynecological complaints and then according to the advise of the consultant Dr. (Mrs.) Roy, the wife of the petitioner was to undergo immediate surgery through Cesarean Section for the birth of the baby, otherwise the lives of both the mother and the baby in the womb would be endangered and, thereafter, the petitioner along with his wife rushed for RIMS but when they

reached near Sujata Cinema, Main Road, the condition of his wife deteriorated and became precarious, in such a situation he got his wife admitted in a nearby hospital, i.e. Raj Hospital and Research Centre, main Road. Ranchi where she gave birth to a baby after cesarean. She was discharged from the Hospital on 30th May 2005.

4. It is further stated that the petitioner, thereafter, submitted an application before the Registrar General of the High Court, submitting medical bills for reimbursement of the expenses incurred in course of the treatment of his wife in the said Rai Hospital and Research Centre, Main Road, Ranchi. The Registrar General forwarded the said application of the petitioner to the Secretary, Law (Judicial) Department, Government of Jharkhand, Ranchi to move the appropriate Department of Government for reimbursement of Rs. 20,028/-.

5. The said application of the petitioner was returned without reimbursement to him as it appears from the impugned letter dated 21.5.2007, contained in Annexure-6 on the ground stated therein.

A counter affidavit has been filed on behalf of respondent Nos. 1 and 2 and the claim of the petitioner has been controverted. The main point, which has been raised in the counter affidavit, is that the Raj Hospital and Research Centre, Main Road, Ranchi has not been listed in the approved list of the Hospitals and no sanction for the treatment of the patient in the Raj Hospital was taken from the competent authority and, therefore, the petitioner was not entitled for the reimbursement of the medical expenses incurred in course of the treatment of his wife.

6. The learned Counsel for the petitioner has submitted that in a similar case, this Court, in the case of "Md. Maniruddin v. Bihar State Road Transport Corporation and Ors. reported in 2001 (2) JCR 203 has allowed the writ application and directed the State authorities to pay the amount incurred in the treatment of the petitioner in the Hospital though the prior approval for such treatment was not taken.

7. The petitioner has also cited the case of Mr. Navneet Kumar, Senior Faculty Members, Judicial Academy, Jharkhand. According to the petitioner, he was also allowed medical reimbursement for the treatment of his wife in similar circumstances. But from perusal of Annexure-7, it appears that the case of Mr. Navneet Kumar, Senior Faculty Member, Judicial Academy, Jharkhand is not similarly situated to the present case.

8. Even the case of "Md. Maniruddin" (supra) is not applicable in this case since the fact and circumstances of both the cases are quite different.

9. It is not disputed that the Raj Hospital and Research Centre, Main Road. Ranchi is not in the approved list of the Hospital, where the Government's employee can get themselves admitted for treatment and claim for reimbursement of the expenses.

10. It is evident that the Government has approved list of Hospitals where the Government employees can get themselves or their ward treated and can claim for reimbursement of the expenses for the medical treatment and if any other hospitals beyond the list is taken then the approval of the Medical Board is required.

11. Be that as it may, since the wife of the petitioner suddenly developed serious complications and, therefore, in such a situation, she was admitted in the Raj Hospital and Research Centre on emergency basis, on the advise of the medical consultant/Gynecologist. The petitioner got his wife admitted immediately in the Raj Hospital and Research Centre to save the life of his wife and the child in the womb. He had no time to get prior approval of the Medical Board for getting his wife treated in Raj Hospital and Research Centre.

12. Therefore, in my view, the rejection of the claim of the petitioner on the ground that the Raj Hospital and Research 2Centre was not approved Hospital for medical reimbursement, is not justified. Accordingly, this writ petition is allowed. The order dated 21.5.2007 as contained in Annexure-6, is hereby quashed and the concerned respondents are directed to consider the claim of the petitioner for reimbursement of the medical expenses afresh and if the petitioner is otherwise eligible to get the medical reimbursement, the same should be allowed to him.

13. This order has been passed in the peculiar facts and circumstances of the case and, therefore, this order should not be cited as a precedence in any other case.