

(2024) 12 RAJ CK 1225

In the Rajasthan High Court, Jodhpur Bench

Case No : Civil Writ Petition No. 2794 Of 2013

Madhuban Goswami

APPELLANT

Vs

State Of Raj. And Ors

RESPONDENT

Date of Decision : 02-12-2024

Acts Referred:

Citation : (2024) 12 RAJ CK 1225

Hon'ble Judges : Arun Monga, J

Bench : Single Bench

Advocate : GR Bhari, Mukesh Rajpurohit, Aditi Sharma, Prakash Raika

Final Decision : Disposed of

Judgement

Arun Monga, J

1. Petitioner herein is before this Court seeking reimbursement of his medical expenses for the treatment undergone at a private hospital, namely Saaol Heart Centre, Jaipur, by issuing an appropriate writ, order, or direction commanding the respondents to process his medical bills, which were deemed inadmissible by the impugned order dated 22.01.2013, relying on the circular dated 06.02.2009 (Annex.R/1).

2. The relevant facts, succinctly stated, for the purpose of adjudicating the writ petition are as follows:

2.1. The petitioner, a government employee who retired on 31.05.2002, was serving as an office assistant at Indira Gandhi Nahar Pariyojana at the relevant time. He was suffering from a heart ailment and went to Saaol Heart Centre, Jaipur, where he was advised to take ECP and BCA treatment for coronary artery disease. Accordingly, the petitioner underwent treatment from 21.09.2009 to 21.11.2009 and from 22.01.2010 to 20.02.2010. After receiving the treatment, he submitted all his medical bills to the department for reimbursement of his claim of Rs. 1,39,427/-. By communication dated 31.08.2010 (Annex. 3),

respondent No. 4 informed the petitioner that, based on the affidavit and certificate of the doctor, the emergent situation was not established.

2.2. The petitioner submitted a representation dated 07.02.2011, stating that he was admitted in an emergent situation and also submitted all his medical documents. Ultimately, by order dated 22.01.2013, the petitioner's claim for medical reimbursement was rejected. Hence, this petition.

3. In the counter affidavit/reply, the stand taken by the respondents is as follows:

3.1. It is submitted that the present writ petition filed by the petitioner is not maintainable and sustainable for the reasons that the petitioner's claim does not fall under the scheme. In this regard, it is made clear that there is a specific order from the State Government providing the criteria for medical reimbursement. According to the said criteria, a government servant is eligible for reimbursement only if the medical treatment is undergone at a private hospital as an indoor patient. In the present case, the petitioner, undisputedly, received treatment as an outdoor patient at the private hospital. Therefore, he cannot be considered for medical reimbursement, and thus, the medical claim filed by the petitioner was rightly denied by the answering respondents in accordance with the order dated 06.02.2009 issued by the State Government, which prescribes the criteria. Additionally, it is submitted that the petitioner was required to establish the emergent situation necessitating immediate medical treatment, and the said treatment was to be availed from the private hospital only after obtaining a referral from the medical board as prescribed in the scheme. However, no such essential requirement was fulfilled by the petitioner for the medical treatment. Hence, petition deserves dismissal on this ground alone.

4. In the aforesaid background, I have heard the rival contentions.

5. First and foremost, the claim of the petitioner arises out of a situation, which, as borne out from the facts of the case and the material appended to the petition, was not emergent in any manner to justify the benefit of seeking post-facto sanction from the competent authority for treatment in a private hospital not empanelled with the respondents.

6. Furthermore, it is neither pleaded nor borne out that the petitioner was referred to the said hospital by any competent medical officer of the respondents and/or any medical board of the department, nor was any certificate issued to him stating that such treatment was available only at the particular private hospital, where the petitioner went on his own volition. On that ground alone, the petition does not inspire any confidence and is liable to be dismissed.

7. Be that as it may, the impugned order is well-reasoned, and I see no grounds to interfere with the approach adopted by the competent authority.

8. For ready reference, translated version of the impugned order 22.01.2013, is reproduced hereinbelow:

"Reference No.: F. 8(14) RPMF/12-13/ 599 Date: 22 JAN 2013

Subject: Regarding the reimbursement of medical expenses for pensioner Mr. Madhuban Goswami, holder of PPO No. 632903 (R).

Reference: Your letter number 1253 dated 27.08.2012

In the context of the above-mentioned subject, it is noted in the relevant correspondence that as per the order of the Finance Department dated 06.02.2009, under the current circumstances, no amount is reimbursable for treatment in a private hospital for outdoor treatment. Additionally, EECp therapy is not included in the approved treatment category. Therefore, the original documents are being returned as received.

Enclosed, the original documents are returned as received.

Sd/-

Joint Secretary, RPMF"

9. A perusal of the above shows that the claim of the petitioner has been rejected on the basis of the applicable medical policy as well as the office circular dated 06.02.2009, which was applicable to the petitioner at the relevant time. Neither the said policy nor the circular is under challenge.

10. Accordingly, the petitioner was rightly found not entitled to the reimbursement of his medical claim. In view thereof, the petition, being devoid of merit, is dismissed.

11. In the parting, I may hasten to add that the reliance placed by learned counsel for the petitioner on the judgment rendered in M.D. Venugopal v. The Director General of Police, Mylapore, Chennai-4: W.P. No.22222/2012, decided on 28.08.2014 by the Madras High Court, is completely misplaced, as the aforesaid judgment relied upon by him was passed on the basis of applicable rules and circulars in the State of Madras, which are not applicable to the facts of the present case.

12. Pending application(s), if any, also stand disposed of.