
(2001) 02 JH CK 0040
In the Jharkhand High Court
Case No : CWJC No. 1218 of 1999 (R)

Md. Maniruddin

APPELLANT

Vs

Bihar State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 26-02-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 02 JH CK 0040

Hon'ble Judges : S.N. Mishra, J

Bench : Single Bench

Advocate : Md. Mokhtar Khan, for the Appellant; P.P.N. Rai, for the Respondent

Judgement

S.N. Mishra, J.—Reference may be made to the Order dated 8.2.2001. Pursuant thereto a supplementary affidavit is being filed today alongwith the bill issued by the Apollo Hospital, copy of which is made Annexure-A to the supplementary affidavit filed on behalf of the petitioner. The petitioner Md. Manirud-din has filed this writ application under Article 226 of the Constitution of India for a direction to the respondent Bihar State Road Transport Corporation, Ranchi, to grant medical reimbursement of Rs. 70,000/- which was incurred during the course of the treatment in the Apollo Hospital, Ranchi. Initially, the petitioner was under the treatment of Dr. P.R. Prasad, who, ultimately, referred the petitioner to Apollo Hospital. The petitioner was accordingly, admitted on 15.6.1997 and after treatment including the placement of pace-maker, was discharged from the Hospital on 18.6.1997, as it appears from Annexure-A to the supplementary affidavit. The medical bill issued by the Apollo Hospital show that the petitioner has incurred total amount of Rs. 58,150/- out of which the petitioner has paid a sum of Rs. 50,000/- and Rs. 8,150 is still due to be paid. The petitioner claims to have incurred the total amount of Rs. 70,000 both at the initial stage as well as during the course of treatment in the Apollo Hospital. It may be mentioned here that the petitioner was admitted to the Hospital while he was in service. Now, he has retired from the service. Since the amount incurred on his treatment has not

been paid, the petitioner filed a representation before the respondent authority but the claim of the petitioner was rejected by the respondent Managing Director. Bihar State Road Transport Corporation, vide his order dated 8th July, 99, copy of which is made Annexure-1 to the counter affidavit. The respondent has rejected the claim mainly on the ground that while going to Apollo Hospital for treatment, prior permission from the Govt. Doctor has not been obtained. Learned counsel for the petitioner submits that having regard to the urgency of the situation the petitioner could not take permission from the Govt. Doctor since he was suffering from acute heart ailment and was required immediate specialised treatment including replacement of pace-maker. Admittedly, the attending physician Dr. Prasad has referred the petitioner to Apollo Hospital. In almost similar situation the Supreme Court in the case of Surjit Singh Vs. State of Punjab and Others, , has observed as follows :

"The appellant therefore had the right to take steps in self preservation. He did not have to stand in queue before the Medical Board, the manning and assembling of which, bare-facedly, makes its meetings difficult to happen. The appellant also did not have to stand in queue in the government hospital of AIIMS and could go, elsewhere to an alternate hospital as per policy. When the State itself has brought the Escorts on the recognised list, it is futile for it to content that the appellant could in no event have gone to the Escorts and his claim can not on that basis be allowed, on suppositions. We think to the contrary. In the facts and circumstances, had the appellant remained in India, he could have gone to the Escorts like many other did, to save his life. But instead he has done that in London incurring considerable expenses. The doctors causing his operation there are presumed to have done so as one essential and timely. On that hypothesis it is fair and Just that the respondents pay to the appellant, the rates admissible as per Escorts. The claim of the appellant having been found valid, the question posed at the outset is answered in the affirmative. Of course the sum of Rs. 40000/- already paid to the appellant would have to be adjusted in computation. Since the appellant did not have his claim dealt with in the High Court in the manner it has been projected now in this Court, we do not grant him any interest for intervening period, even though prayed for. Let the difference be paid to the appellant within two months positively. The appeal is accordingly allowed. There need be no order as to costs."

2. Following the ratio laid down in the aforesaid case, this Court has no alternative but to direct the respondent authority to pay the amount incurred by the petitioners during the course of his treatment at Apollo Hospital. Ranchi details whereof has been mentioned in the bill as contained in Annexure-A to the supplementary affidavit. The learned counsel for the respondent Corporation, however, submits that because of the poor financial position of the Corporation, some reasonable time may be allowed to pay the due amount. Accordingly, the respondent Administrator is directed to pay the amount, as early as possible, preferably within three months from the date of receipt/production of a copy of this order. This disposes of this writ application.

3. Application disposed of.

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