
(2011) 01 GAU CK 0021
In the Gauhati High Court
Case No : Writ Petition (C) No. 181 of 2010

Modan Mohan Bhowmik

APPELLANT

Vs

State of Tripura and Others

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 21

Citation : (2011) 2 GLR 738 : (2011) 1 GLT 793

Hon'ble Judges : U.B. Saha, J

Bench : Single Bench

Advocate : D.C. Saha, for the Appellant; B. Dutta, for the Respondent

Final Decision : Allowed

Judgement

U.B. Saha, J.—In this writ petition, the Petitioner has made a prayer for direction to the Respondents for reimbursing his medical bill amounting to Rs. 91,004/- which he incurred for open heart surgery (CABG) including purchase of medicine as per policy of the Government of Tripura vide Order dated 20.12.2002 and also declare the Para-2 of the said Order so far as the effect of the order from 1.4.2002 in respect of the pending cases is concerned.

2. Heard Mr. D.C. Saha, learned Counsel for the Petitioner as well as Mr. B. Dutta, learned Counsel for the State Respondents.

3. As agreed to by the learned Counsel for the parties and considering the nature of the prayer made in the writ petition, the writ petition is taken up for final disposal at the admission stage.

4. The brief facts needed to be discussed for disposal of this writ petition are as follows:

The Petitioner who was working as Upper Division Clerk (UDC) in the Department of Industries and Commerce, Government of Tripura, while suffering from Diabetes Mellitus, Hypertension and Coronary Artery etc. diseases, had gone to

Chennai and undertaken master check up in Apollo Hospital, Chennai by Dr. Arshad Akeel. Thereafter, he was referred to one Dr. Robert Mao for Angiogram test which the Petitioner undergone on 28.11.2001. After doing the said test, some blockage of heart line was found and the Petitioner was advised to undergo heart surgery immediately. The charge of the said heart surgery was fixed at Rs. 1.50 lakhs by the Apollo Hospital Authority. As the charge appeared too high, the Petitioner then consulted with Dr. Geerge, Cadeo-I, Christian Medical College Hospital (CMCH) at Vellore, Tamilnadu where the charge of the open heart surgery was fixed at about Rs. 1.05 lakhs which was lesser than the amount demanded by Apollo Hospital, but it was also difficult for the Petitioner to bear.

5. The Petitioner returned to Agartala and went to GB. Pant Hospital for his treatment, but as advised by the doctor, he appeared before the Medical Board at G.B. Pant Hospital and ultimately the Medical Board referred him to CMC Hospital at Vellore, Tamil Nadu vide No. 252/MS/GBH/2001 dated 24.12.2001 for open Heart Surgery (CABG) and for further investigation and treatment as such type of facilities are not available in the State. The Board also recommended for an escort to the Petitioner.

6. After the said reference of the Medical Board, the Petitioner came to know about the communication facility of Asia Heart Foundation at Udaipur State Hospital, South Tripura and went there for consultation with Dr. Devi Prasad Shetty, a renowned cardio surgeon through internet. Thereafter on the advice of Dr. Shetty, the Petitioner went Narayan Hridayalaya, Bangalore and underwent an open heart surgery (by-pass) on 9.1.2002.

7. It is also pleaded in the writ petition that the Petitioner was to pay Rs. 60,500/- for the said heart surgery which is much less than the charges at CMC Hospital, Vellore as well as the charges at SSKM Hospital, Kolkata at that time which is ex-facie clear from the Memorandum for the Council of Ministers dated 22.3.2004 (Annexure-8 to the writ petition) as prepared by the Commissioner (I & C), Government of Tripura.

8. On return from Bangalore, the Petitioner made a prayer on 7.3.2002 (Annexure-3) for medical reimbursement to the Director of Industries and Commerce, Government of Tripura, the Respondent No. 3 herein, along with all relevant documents and the statements towards the heart surgery. As no response was received from the side of the Respondent No. 3, the Petitioner made another prayer to the medical reimbursement on 11.5.2007 (Annexure-4), even after repeated prayer, the Petitioner did not receive any communication from the Respondents-authorities. Then he made a demand notice upon the Respondent No. 1, the Principal Secretary (I&C), Government of Tripura, and the Respondent No. 3, the Director of Industries and Commerce, Government of Tripura towards reimbursement of his medical bill.

9. The Respondent No. 3, while made a reply to the demand notice dated 8.2.2010, by a letter dated 6.3.2010, rejected the claim of the Petitioner for

medical reimbursement on the basis of impugned Memorandum dated 20.12.002, Annexure -7 to the writ petition, that the Petitioner is not entitled to get medical reimbursement as the said Memorandum was given effect from 1.4.2002 regarding the pending cases and in respect of other cases, the said order was given effect from the date of issuance of the order i.e. 20.12.2002 and the Petitioner received treatment prior to that date. Being aggrieved by the action of the Respondents-authorities, the Petitioner filed the instant writ petition wherein he claimed for reimbursement of the medical expenses for an amount of Rs. 91,009/- as incurred by him.

10. It is further pleaded that the Memorandum for the Council of Ministers dated 22.3.2004 has issued by the Commissioner (I&C), Government of Tripura wherein it has been mentioned that the claim for medical reimbursement by the Petitioner amounting to Rs. 91,009/- was earlier also placed before the Council of Ministers held on 13.8.2002 for consideration, but the Council of Ministers after due discussion decided to constitute a committee consisting of the Commissioner and the Secretary, Finance, Commissioner and Secretary, Health & Family Welfare and the Director of Health Service to examine the issue of medical reimbursement of Group "C and Group "D" employee for major treatment outside Tripura It was also decided by the Council of Ministers that the case of the Petitioner will be considered after getting report of the committee and the Chief Secretary, Tripura will chair the committee.

11. In view of the said decision of the Council of Ministers, the Chief Secretary, Government of Tripura vide GO No. 21 dated 20.12.2002 issued an order regarding medical reimbursement facility to the State Government employees for treatment outside the State which was given effect from 1.4.2002 in respect of pending cases and in respect of other cases with immediate effect. According to the Petitioner, the aforesaid order as such is beneficiary to the Government employees as the same has been issued for protecting the right to life of the Government employees who are entitled to the medical reimbursement, but so far as the effect of that order is concerned, is unreasonable, unfair and violative of Articles 14 and 21 of the Constitution. The Petitioner also submits that in Memorandum dated 22.3.2004 (Annexur-8), it is mentioned that the Law Department of Government of Tripura has also opined that the cutoff date is not so important and the benefits admissible as per order dated 20.12.2002 may be given to the Petitioner. But ignoring the aforesaid advice of the Law Department the Finance Department advised the Department of Industries and Commerce to place the matter before the Council of Ministers once again for their approval and ultimately, the Petitioner was denied from the benefit of medical reimbursement as sought for. Hence the writ petition.

12. The State Respondents by filing their counter-affidavit denied the claim of the Petitioner on the ground that the Petitioner was referred by the Medical Board at G.B. Hospital to CMC Hospital, Vellore for further investigation and for receiving open heart surgery as the same was not available in the State of

Tripura, but the Petitioner without going to CMC, Vellore went to Narayan Hridayalaya, Bangalore without permission of the Government where his open heart surgery was done on 9.1.2002 under the supervision of Dr. Devi Prasad Shetty. The further case of the Respondents is that the prayer of the Petitioner dated 7.3.2002 for medical reimbursement as regards the cost for open heart surgery at Narayan Hridayalaya was placed to the Finance Department by the Respondent No. 3 for thorough examination. Consequent thereto, the Finance Department advised the Respondent No. 3 to place the matter before the Council of Ministers. Accordingly, the matter was placed before the Council of Ministers in its meeting held on 13.8.2002, but the matter was not considered. It is further pleaded by the State Respondents that the State Government issued the order vide G.O. No. 21 dated 20.12.2002, Annexure-7 to the writ petition, wherein it is mentioned that the effect of the said order was given from 1.4.2002 relating to all pending cases and being the operation of the Petitioner was conducted prior to the said date, the Petitioner is not entitled to the medical reimbursement as sought for. Finally, , the Respondents contended in their counter-affidavit that as the bill of the Petitioner was rejected by the Council of Ministers two times, the Respondent No. 3 had not taken up the same for further action and the Petitioner is also not entitled to any relaxation of conditions as mentioned in Annexure-7 to the writ petition.

13. Mr. Saha, learned Counsel for the Petitioner submits that the case of the Petitioner is fully covered by the policy of the Government as mentioned in Annexure-7 to the writ petition as the bill of the Petitioner was pending before the authority concerned and thereby Petitioner's bill should be treated as a pending case. He further submits that in the order dated 20.12.2002, it is nowhere stated that pending cases mean the persons treated on and from 1.4.2002 onwards.

14. Mr. Saha referring to the order dated 20.12.2002, Annexure-7 to the writ petition, pointed out that in the said order, it is specifically mentioned in Para-(a) that "such employees may be eligible for medical reimbursement even if they receive treatment in recognized Hospitals of their choice at the referred places, subject to the condition that their reimbursement would be made at the rate of referral Hospital for similar treatment and facilities and if expenditure incurred on treatment in the Hospital other than referred hospital is less than the rate of the referred hospital, reimbursement will be made on actual basis".

15. In Para-(b) of the said order, it is also stated, inter alia, that "as indicated in Para-(a) above, such facilities of going to recognized hospital of choice would also be applicable to the Group "C and "D" employees, as per present dispensation for them, he contended.

16. It is also stated in Para-(C) that" the Government employee and his/her family members suffering from cancer and referred by the State Medical Board, Cancer Hospital Agartala to any recognized hospital outside the State for better treatment and investigation, may be eligible for Medical Reimbursement, even if

they receive treatment in a hospital of their choice, he further contended.

17. In Para-(d) of the said order, it is further stated that if treatment is received in a private recognized hospital, reimbursement will be made as per rate of SSKM Hospital, Kolkata or the hospital of choice, whichever is less. It should be necessary in such cases to show that it would not have been possible for the person to obtain reference from the Medical Board, Government of Tripura, he again contended.

18. Ultimately, he contended that intention of the Government for issuance of the aforesaid order dated 20.12.2002 is not to deny the reimbursement of the medical bill to an employee who is entitled to medical reimbursement according to the Government policy being the right to life include right to health but to check the cost of expenses and also reimburse the amount as prescribed by recognized referred hospital or less than it but not more than the rate of referred hospital. Mr. Sahato support the case of the Petitioner also contended that in the instant case though admittedly the Petitioner did not go for his treatment in the referred hospital, but that itself would not be a ground for denial of medical reimbursement when the Petitioner chooses to save the public exchequer treating himself in a hospital where the expenses are lesser than the referred hospital. According to him, the Government can refuse the reimbursement bill if the amount claimed is higher than the amount charged by the referred hospital, which is not the case herein.

19. Mr. Sana also submits that the case of the Petitioner is fully covered by the decision of the Apex Court in the case of Surjit Singh Vs. State of Punjab and Others, as well as a decision of this Court in the case of Ranjit Kr. Debnath Baidya v. State of Tripura and Ors. (2008) 4 GLR 868, in which I am a party.

20. Mr. B. Dutta, learned Counsel appearing for the State Respondents while countering the argument of Mr. Saha would contend that eligibility for medical reimbursement including TA is not a legal right of the Petitioner accrued either from a statute or from the provisions of the Constitution, rather eligibility arises from the Government policy and if an employee went for treatment in a hospital except the referred hospital, then he has to explain the reasons for such treatment in a private hospital or a hospital according to his choice. He further contended that pending cases mean the person who went for by-pass surgery or cancer treatment or any other treatment as allowed by the authority on and from 1.4.2002 to 28.12.2002. According to him, the Petitioner treated himself at Narayan Hridayalaya prior to 1.4.2002, therefore, his case will not come within the purview of pending cases as mentioned in order dated 20.12.2002.

21. Mr. Dutta further submits that the Petitioner's case relating to his medical reimbursement bill was placed before the Council of Ministers in its meeting dated 13.8.2002 and the same was not considered by the Council of Minister, meaning thereby his case was rejected and the same also cannot be treated as a pending case. Not only that the Memorandum for the Council of Minister issued

by the Commissioner (I&C), Government of Tripura dated 22.3.2004; Annexure-8 to the writ petition, was also withdrawn by the Council of Minister in its subsequent meeting. Therefore, the proposal of the Commissioner (I&C) has also been rejected.

22. Mr. Dutta though fairly submits that if an employee either went for LTC or went for any other reason outside the State and all on a sudden fell ill and admitted himself in the hospital and ultimately the hospital authority found that the employee concerned needed immediate treatment like bypass surgery or even if he is a cancer patient and his immediate treatment is required, then obviously in that situation, reference is not called for in view of the order dated 20.12.2002 and the said employee would get the medical reimbursement as per the rate of the referred hospital.

23. Mr. Dutta further submits that the case of Surjit Singh (supra), and Ranjit Debnath Baidya (supra) has no application in the case in hand as in the case of Surjit Singh (supra), the Petitioner of that case went abroad and all on a sudden fell ill and admitted himself for treatment and in the case of Ranjit Kr. Debnath Baidya (supra), the Petitioner was referred to SSKM Hospital, Kolkata by the Medical Board at the G.B. Hospital due to severe chest pain and his bypass operation was immediately needed, but due to lack of accommodation, the SSKM Hospital could not admit him and consequent thereto, the said writ Petitioner was admitted in a private hospital and CABG operation of the Petitioner was done in the said hospital. Therefore, both the cases are distinguishable and not applicable for decision of this case, as the facts of those cases are wholly different than the case in hand.

24. This Court is also sharing the views of Mr. Dutta regarding the decision of the Apex Court in the case of Surjit Singh (supra) as well as the decision of this Court in Ranjit Debnath Baidya (supra).

25. This Court has given anxious consideration to the submission of the learned Counsel for the parties and has gone through the records available before this Court including the order dated 20.12.2002 (Annexure-7 to the writ petition) and Memorandum for Council of Ministers dated 22.3.2004 (Annexure-8 to the writ petition) and also the decision of the Council of Minister held on 25.3.2004, particularly, item No. 7 as placed by Mr. Dutta, the learned Counsel appearing for the State Respondents though the same is not annexed to the counter-affidavit.

26. It is the admitted position that the Petitioner was advised by the doctor of Apollo Hospital for Angiogram test and in the said Angiogram test, some blockade at heart was found and he was advised to undergo open heart surgery immediately. Not only that the Medical Board at the G.B. Hospital also referred him to CMC Hospital, Vellore and the Petitioner without approaching the referred hospital admitted himself in Narayan Hridayalaya, Bangalore.

27. It is also admitted position that the State Government has decided for medical reimbursement even in a case when the patient employee concerned is

not received treatment from the referred hospital. In the instant case, the Respondents have not come with a plea that the Petitioner was not referred by them for open heart surgery outside the State considering the fact that such treatment is not available in the State, rather the case of the Respondents is that the Petitioner is not covered by the order dated 20.12.2002, Annexure-7 to the writ petition, being his case is not come within the meaning of pending cases as mentioned in the aforesaid annexure, i. e. on and from 1.4.2002 to 28.12.2002. Not only that the case of the Petitioner though placed before the Council of Minister on 13.08.2002, but the same has not been considered meaning thereby that was rejected.

28. According to this Court, by order dated 20.12.2002, the Government intended to provide medical reimbursement to Group-A & B Government employees when referred by the Medical Board of the Government to a referred hospital like SSKM Hospital, Kolkata. CMC Hospital, Vellore or AIIMS, New Delhi or any Government hospital or a hospital recognized under the CS (MA) Rules, 1944 in Kolkata or Assam. Not only that even a person who is not treated in a referred hospital after reference, that person is also entitled to get the benefit of medical reimbursement at the rate of the referred hospital, not at the rate of hospital where he was treated. More so, from the said order, it also appears that when a Government official/employee and/or entitled member of the family goes outside for any reason and requires medical treatment, they are eligible to obtain treatment from the Government and other hospitals/dispensaries recognized under CS (MA) Rules. In such case, the Government official/employee should explain the reasons for not appearing before the Medical Board of the Government for reference for outside treatment and the medical reimbursement would be as per the rate of referred hospital. Therefore, according to this Court, the submission of Mr. Dutta, inter alia, that when the Government employee went to outside the State for any reason either for Government duty or for availing LTC and for any other reason and required medical treatment there on emergency basis, he will be entitled to the benefit of medical reimbursement as applicable for heart patient, cancer patient or any other dreadful disease as prescribed by the Government of Tripura has some force.

29. According to this Court, the question which is required to be decided in the instant case is "pending cases" as referred to in Para-2 of the order dated 20.12.2002, Annexure 7 to the writ petition, On scrutiny it is found that the case of the Petitioner was considered by the Council of Ministers in its meeting held on 13.8.2002 and the Council of Ministers considered the proposal of medical reimbursement and constituted a committee to examine the issue of. medical reimbursement of Group "C and Group "D" for major treatment outside the State of Tripura. The said committee was also to examine the issue of medical reimbursement with other category of employees in Hospital other than to which they are referred to by the State Medical Board. And it was further decided that the case of the Petitioner will be considered after getting report of the committee and the Chief Secretary, Tripura will chair the committee. Therefore, according to

this Court, the submission of Mr. Dutta that the case of the Petitioner was not considered by the Council of Minister is not correct. This Court is again of the view that the Council of Ministers deferred the matter of the Petitioner and decided to consider the same after getting report from the committee. It is nowhere mentioned in the counter of the State Respondents that the case of the Petitioner has after 13.8.2002 ever been placed before the Council of Ministers again for its consideration. But one document has been placed by the learned State counsel at the time of hearing of this case showing the fact that the case of the Petitioner was considered subsequently by the Council of Ministers in its meeting held on 25.3.2004 and the Memorandum dated 22.3.2004 was withdrawn, wherein the Commissioner (I&C), Government of Tripura placed medical bill of the Petitioner.

30. It further appears that the Respondents State filed its counter on 22.9.2010 i.e. almost after six years of the meeting of the Council of Ministers held on 25.3.2004, but in the said counter, the documents relating to the decision of the meeting of the Council of Ministers held on 25.3.2004 was not annexed and the Petitioner was not provided with any opportunity to refute the said decision. It is also not clear from the decision of the meeting of the Council of Ministers held on 25.3.2004 as placed by Mr. Dutta, learned State counsel, whether in the said meeting, the Council of Ministers considered regarding the meaning of the pending cases. According to this Court, as there is nothing in Item No. 7 mentioned in the record of decision of the meeting of the Council of Ministers held on 25.3.2004 regarding pending cases, it can easily be presumed that the same was not considered. Furthermore, according to this Court, pending cases do not mean the treatment of the patient, as the treatment of a patient cannot be kept pending. Pending cases mean the claims of the employees for reimbursement of the medical bill on and from 1.4.2002 to 28.12.2002 which are pending for payment and it is the admitted position that not only within the prescribed period of 01.04.2002 to 28.12.2002, Bill of the Petitioner has not been reimbursed rather the same is pending till today and the pendency of such bill has to be considered as pending cases as the Petitioner was admittedly referred by the Medical Board at GB. Hospital, Government of Tripura to CMC Hospital at Vellore, the point raised by the Respondents, inter alia, that the Petitioner is not entitled medical reimbursement as he has not having been received treatment from CMC Hospital, Vellore i.e the referred hospital, this Court has already opined that the intention of me order dated 20.12.2002 is to provide medical reimbursement to an employee who is entitled to the same, even when treated in a private hospital after reference to a referred hospital, at the rate of the referred hospital.

31. In view of the above, this Court is of the opinion that when an employee like the Petitioner admittedly received treatment from Narayan Hridayalaya, Bangalore instead of receiving treatment from CMC, Vellore where he was referred and submitted a bill for medical reimbursement amounting to Rs. 91,009/- which is lesser than the charge of the referred hospital the State

Respondents should have reimbursed the aforesaid amount without raising any question of technicality when the Petitioner is otherwise eligible for the medical reimbursement as per the Government policy. Denial of reimbursement of medical bill to an employee on mere technical ground that he had not received the treatment from the referred hospital and his case is not covered within the meaning of pending cases as mentioned in Annexure-7 to the writ petition is nothing but denial of right to life which includes right to health. Right to health is an integral to the right to life. This Court is again of the view that considering the aforesaid aspect that right to health is an integral to right to life, the State Respondents prepared the policy (Annexure-7 to the writ petition) and the medical reimbursement bill of the Petitioner while comes within the meaning of pending cases, it was not proper on the part of the State Respondents to deny the medical reimbursement of the Petitioner. In the case of State of Punjab and others Vs. Mohinder Singh Chawala, etc., while the Apex Court considered a case relating to denial of medical reimbursement of an employee held that right to life includes right to health. It appears from the aforesaid law report that the Apex Court has considered two Special Leave Petitions arising from two different judgments of the Punjab and Haryana High Court and those writ petitions were registered as CA No. 16979/96 @ SLP (C) No. 12472/96 and C A @ SLP(C) No. 12945/96 respectively. In CA No. 16979/96 @SLP(C) No. 12472/96 the Respondent therein while had heart ailment which required replacement of two valves in the heart sought permission to the Director, with approval of the Medical Board to get the treatment outside the State which was allowed and the Respondent was sent for treatment at AIIMS at New Delhi and after his treatment when he submitted the bill for medical reimbursement that was denied on the ground that the Government has taken a decision, as a policy resolution that the reimbursement of the expenses on account of diet, stay of attendant and stay of patient in hotel/hospital will not be allowed and permission given was subject to the above resolution and therefore the High Court was not right in directing the Government to bear the expenses for the stay in the hotel/hospital contrary to para (vii) of the resolution of the Government. The Apex Court considering the aforesaid contention of the State Appellant therein noted, inter alia, that we find no force in the contention. It is an admitted position that specialized treatment was not available in the hospital maintained by the State of Punjab, permission and approval having been given by the Medical Board to the Respondent to have the treatment in the approved hospitals and having referred him to the AIIMS for specialized treatment where he was admitted, necessarily, the expenses incurred towards room rent for stay in the hospital as an inpatient are an integral part of the expenses incurred for the said treatment. It is further noted by the Apex Court that if the Government servant has suffered an ailment which requires treatment at a specialized approved hospital and on reference whereat the Government servant had undergone such treatment therein, it is but the duty of the State to bear the expenditure incurred by the Government servant. Expenditure, thus, incurred requires to be reimbursed by the State to the employee. The High Court was therefore right in giving direction to reimburse

the expenses incurred towards room rent by the Respondent during his stay in the hospital as an inpatient. In CA @ SLP (C) No. 12945/96 wherein Waryam Singh, the Respondent was a Government servant and had developed sudden coronary ailment, after required angiography and other reports of triple vessels disease was diagnosed in CMC Hospital, Ludhiana and he was recommended by the said hospital to go over to Escorts Heart Institute, New Delhi for urgent treatment. On its basis, the Respondent had the treatment. The Medical Board granted by its proceedings ex post facto sanction for treatment with one attendant. The Appellant State had granted reimbursement of the sum of Rs. 1,03,267/- less the rent paid for the room in the hospital for the period of stay. It is the Government's stand that the reimbursement could be allowed as per rates charged by All India Institute of Medical Sciences. Accordingly, a sum of Rs. 20,000/- paid as rent was deducted. Being aggrieved, the Respondent filed the writ petition claiming the deducted amount which was allowed by the High Court and the State preferred appeal. While deciding the issue involved in that appeal, the Apex Court noted that the Government is required to reimburse the expenditure for the period during which the patient stayed in the approved hospital for treatment. It is incongruous that while the patient is admitted to undergo treatment and he is refused the reimbursement on the actual expenditure incurred towards room rent and is given the expenditure of the room rent chargeable in another institute whereat he had not actually undergone treatment and ultimately held that the High Court was right in giving direction for reimbursement of a sum of Rs. 20,000/- incurred by the Respondent towards room rent while undergoing his stay in the Escorts Heart Institute.

Taking note of the facts and circumstances of the case in hand and the decision of the Apex Court in the case of Mohinder Singh Chawla (supra) it can be easily said that the intention of the Council of Ministers and the Government was not to deny the genuine claim of medical reimbursement of an employee, rather to provide the medical reimbursement at the rate prescribed for the referred hospital. This Court is also of considered opinion that the Council of Ministers were not informed of the relevant fact that the expenditure incurred for the Petitioner's treatment at Narayan Hridayalaya, Bangalore is lesser than the approved rate of the referred hospital, namely, CMC Hospital, Vellore. Had it been informed, then probably, the Council of Ministers would have considered the prayer of the Petitioner for reimbursement of his medical bill.

32. In view of the above discussion, this Court is of considered opinion that the present Petitioner is entitled to the medical reimbursement amounting to Rs. 91,009/-, being the same is lesser than the charge of the referred hospital. The Petitioner received medical treatment from Narayan Hridayalaya instead of referred hospital did not cause any harm to the Government, rather tried to save the Public Exchequer and in that view of the matter the authority should appreciate the decision of the Petitioner and allow him the medical reimbursement as sought for.

33. Further this Court is of the opinion that the State should not deny the genuine claim of an employee only on the technical ground as pleaded in the instant case by the Respondent. Only thing is to be seen as to whether the employee concerned treated himself in any recognized hospital and his claim is genuine or not, as in this case it is also admitted by the State Respondents that the Petitioner was admitted and received treatment from the Narayan Hridayalaya. Therefore, it would not be proper on the part of the State respondents to deny the genuine claim of the petitioner for reimbursement of the medical expenses towards his open heart surgery.

34. In view of the above, the State respondents are directed to allow the medical reimbursement of the petitioner and make payment of the same within a period of three weeks from the date of receipt of this order.

In the result, the writ peition is allowed. No order as to costs.

The petitioner is directed to furnish a copy of this order to the Principal Secretary, I & C, Government of Tripura.