
(2005) 07 PAT CK 0074
In the Patna High Court
Case No : CWJC No. 4089 of 2004

Uday Prakash Mathur

APPELLANT

Vs

State of Bihar and Another

RESPONDENT

Date of Decision : 19-07-2005

Acts Referred:

Citation : (2005) 4 PLJR 253

Hon'ble Judges : R.N. Prasad, J

Bench : Single Bench

Advocate : A.B. Mathur and Ajay Kumar Mathur, for the Appellant; Arvind Ujjawal, Rajesh Mohan and Ravi Ranjan, for the Respondent

Judgement

R.N. Prasad, J.—The petitioner was an employee of the respondents. He retired from service on 31.1.1995. He was heart patient and was operated on 1.5.1996 in All India Institute of Medical Sciences, New Delhi. He had to bear heavy cost in his operation. He has filed the writ petition for issue of direction to the respondents to pay expenses incurred on treatment/operation. A counter affidavit has been filed on behalf of the respondents wherein it has been stated that there is no provision for reimbursement of expenses over treatment of its retired employees.

2. Learned counsel for the petitioner drew the attention of the court to annexure 8 i.e. Government order No. 1603 LSG dated 26th March, 1940 to show that the Government has power to provide facilities of treatment to any person. He relied upon a decision in the case of State of Punjab and others Vs. Mohinder Singh Chawala, etc., , to show that the Apex Court has passed the order to the effect that it is constitutional obligation to bear the expenses of the Government servant while in service or after retirement from service as per the policy of the Government. The Government is required to fulfil the constitutional obligation. The stand of the learned counsel for the respondents is that since there is no specific provision and as such the respondents are not obliged to reimburse the expenses incurred over the treatment that too after ten years.

3. However, in view of the Government order/the decision as indicated above, the writ petition is disposed of with a direction to the respondent concerned to consider the grievance of the petitioner afresh taking into consideration the Government order as well as the decision of the Supreme Court as indicated above and pass a reasoned order in accordance with law within a period of four months from the date of receipt/production of a copy of this order. Let a copy of this order be handed over to Standing Counsel No. 10.