

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.304 of 2024

Sri Chandan Debnath

..... Petitioner(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Petitioner(s) : Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. Kohinoor N Bhattacharya, G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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02/05/2024

The instant case relates to reimbursement of medical bills of the petitioner, a Group-C employee working on the post of Post Graduate Teacher at Udaipur English Medium School under the Education Department, Government of Tripura. He has sought medical reimbursement bills for the treatment incurred by his wife at ILS Hospital, Kolkata for renal transplant after referral of the Medical Board, AGMC & GBP Hospital dated 18.10.2022 (Annexure-2). Petitioner on the strength of the referral certificate issued by the Standing Medical Board on 18.10.2022 revalidated on 13.02.2023 took his wife to the referred hospital i.e. ILS Hospital, Dum Dum, Kolkata where she was admitted on 21.05.2023 and underwent renal allograft transplantation on 23.05.2023. Thereafter, she was discharged. Permission under Transplantation of Human Organs Act, 1994 was granted by the Director of Medical Education, West Bengal vide order dated 15.05.2023 (Annexure-6) with the donor being Mrs. Fatema Begam Molla

wife of Adbul Haque Molla., Petitioner, thereafter, submitted 3(three) medical reimbursement bills to the Director, Secondary Education, Government of Tripura for sanction through proper channel (Annexure-9).

Learned counsel for the petitioners submits that the medical bills for treatment of the petitioner though a Group-C employee are reimbursable in terms of the memorandum dated 25.09.2004 (Annexure-11) and 22.12.2022 (Annexure-13). Learned counsel for the petitioner submits that a communication has been sent by the Joint Director, Directorate of Secondary Education to the District Education Officer, Gomati District Zonal Office, Udaipur dated 04.03.2024 (Annexure-10) referring to the memorandum dated 09.08.2005 paragraph A(ii) which relates to claims for medical reimbursement of Group-C & D State Government employees or their family members suffering from cancer and referred to a medical institution outside the State when the cost of treatment in such institution along with admissible journey expenses is admissible if any recommendation by the Standing Medical Board has been made. However, petitioner's wife was not suffering from cancer. She was suffering from kidney ailment and the referral by the State Medical Board was also made for renal transplant at ILS Hospital, Kolkata where she underwent the renal allograft transplantation on 23.05.2023. It is submitted that even as per the memorandum dated 22.12.2022 at paragraph (d) Group-C & D officials of the State Government when referred by the Standing Medical Board to a particular listed referral institution/hospital for medical treatment undertake the treatment at some other institution out of his or her own volition he/she

shall be entitled to reimbursement for treatment undertaken at the rates of their referred institution including admissible journey expenses. The medical reimbursement at sub-paragraph (e) relates to medical reimbursement expenses to Group-C & D employees of the State Government or any of the family members suffering from cancer and referred to a particular medical institution.

Learned counsel for the petitioner submits that since the treatment has been undertaken at the hospital referred by the State Medical Board, the expenses towards such treatment are reimbursable otherwise no purpose would be served by referring the wife of the petitioner for treatment in a specialized hospital outside the State. Learned counsel for the petitioner has also referred to a decision rendered by the learned Writ Court in WP(C) No.1096 of 2022 dated 13.07.2023 (Annexure-14) according to which such a distinction in matters of medical reimbursement bills of treatment of the family members of Group-C & D employees vis-à-vis Group-A & B employees are discriminatory in nature.

Learned counsel for the State prays for and is allowed 4(four) weeks' time to file counter-affidavit.

Let the matter be listed after summer vacation on **21st June, 2024.**

(APARESH KUMAR SINGH) CJ

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