

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.24 of 2025

1. Smt. Ajita Tripura (Debbarma)

W/o- Lt. Rabindra Debbarma,
D/o- Lt. Shyama Charan Tripura,
Of Ward No- 14, B.K. Road, Ganesh Thakur Lane,
Near Bijoy Kumar School, Krishnanagar,
P.S.-West Agartala, District- West Tripura,
Tripura-799001.

.....Petitioner(s)

VERSUS

1. The State of Tripura,

To be represented by Secretary, Department of Home,
Government of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, Agartala, West Tripura,
Pin- 799010.

2. The Director,

Director of Secondary Education,
Government of Tripura, Office Lane, Agartala, West Tripura
Pin- 799001.

3. The District Education Officer,

West District Zonal Office, Agartala, Tripura,
Pin- 799006

.....Respondent(s).

For Petitioner(s)	: Mr. Elembrok Debbarma, Adv, Mr. Akbar Debbarma, Adv.
For Respondent(s)	: Mr. Kohinoor N. Bhattacharyya, G.A.
Date of Hearing	: 19.01.2026
Date of delivery of Judgment and Order	: 28.01.2026
Whether fit for Reporting	: YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Mr. E. Debbarma appearing
on behalf of the petitioner and also heard Learned G.A., Mr. K.
N. Bhattacharyya appearing on behalf of the respondents.

02. This writ petition is filed by the petitioner praying for directing the respondents to allow the petitioner to reimburse the medical expenses amounting to Rs.14,60,400/- and the travel allowances of Rs.34,347/- incurred by the petitioner for the purpose of treatment of her dependent-son at Apollo Hospital, Kolkata.

03. According to Learned Counsel for the petitioner, the petitioner is a Group-B, Government Employee serving as Headmistress at R.K. Ganj High School, Dukli, West Tripura, under the department of Secondary Education, Government of Tripura. The petitioner is the mother of her dependent-son, Shri Salka Debbarma aged 28 years, who has been suffering from chronic liver disease with upper Gastro Intestinal complications. According to Learned Counsel, on 21.03.2024 the petitioner's dependent-son was admitted to AGMC & GBP Hospital due to critical nature of his health condition and thereafter, on 24.03.2024 upon the recommendation of the State Medical Board, AGMC & GBP Hospital, Agartala, he was referred to Apollo Hospital, Kolkata for advanced treatment. Accordingly, the dependent-son of the petitioner was admitted at Apollo Hospital, Kolkata on 24.03.2024. In support of his contention, Learned Counsel relied upon **Annexure-4**, i.e. the certificate of the State Referral Board. At Kolkata Hospital the son of the petitioner was admitted w.e.f. 24.03.2024 to 16.04.2024 wherein he undergone surgery and medical

treatment and for the purpose of treatment the total medical expenditure incurred was Rs.14,60,400/- and at the time of shifting the son of the petitioner, the petitioner had to arrange an escort of doctor, oxygen cylinder with complete medical system as advised by the State Medical Board. After that as the treatment at Kolkata Hospital did not yield satisfactory result, so, the petitioner had to approach in institute of liver and Biliary Sciences, New Delhi and consulted doctors therein. On 29.07.2024 the petitioner submitted an application for medical reimbursement amounting to Rs.14,60,400/- which was received by the authority. As the physical condition of the son of the petitioner was not improved, so, the petitioner had to arrange for his treatment at Delhi for liver transplantation for which cost of Rs.18,45,000/- was incurred and the petitioner had to manage the entire amount by borrowing money from his relatives. After that the petitioner submitted written application to the District Education Officer, West District requesting for imbursement of Rs.14,60,400/- and on 07.10.2024, she submitted another application to the authority for reimbursement of travelling allowances amounting to Rs.34,347/-. But the Joint Director, Directorate of Secondary Education by a memo dated 14.11.2024 **(Annexure-10)** rejected the claim of the petitioner on the ground that the son of the petitioner was aged about 28 years and as per rule he is not entitled to get the same. Thus, the petitioner was

compelled to file this writ petition before this Court seeking the relief.

Learned Counsel at the time of hearing further drawn the attention of the Court the memorandum dated 22.12.2022 issued by the Health and Family Welfare Department, **(Annexure-9)** Government of Tripura wherein in sub-clause-a it is provided as under:

GOVERNMENT OF TRIPURA

HEALTH & FAMILY WELFARE DEPARTMENT

No. F. 2(10-43A)-DHS/ESTT/MR/2022

Dated, 22. 12. 2022

MEMORANDUM

Subject : - Re-imbursement facility to the State Government employees of medical expenditure incurred by the employees for treatment inside/outside the State.

With a view to simplify and streamline the operational guidelines of medical re-imbursement facility for the eligible State government employees, the Council of Minister's has examined the existing provision and in supersession/partial modification of all existing guidelines as follows:

[G.O. No.236, G.O. No.237, dated 25-10-2013, G.O. No.267, G.O. No.100, dated 04-01-2012, G.O. No. 469, dated 15-12-2015, File No.F.5(10)-FIN(G)/75-1, dated 09-08-2005 and 01-08-2007, 18-09-2013. File No. F.8(3)-FIN(G)/2000, dated 29-04-2010, F.2(10-43A)-MS/Estt/MR/07 (part-I), dated 20-08-2009, F.2(10-43A)-MS/Estt/MR/08(sub), dated 25-03-2011, F.2(10-43A)-MS/Estt/MR/2016, dated 05-10-2016 , F.2(10-43A)-MS/Estt/MR/2016 , dated 10-01-2019 and 18-06-2019, F.2(10-43A)-MS/Estt/MR/2012, . F.2(10-43A)-, 10-06-2019, F.2(10-43A)-MS/Estt/MR/2019, dated 06-09-2019 and 27-03-2020.]

The Governor, Tripura is pleased to lay down following guidelines with regards to admissibility of medical expenses to State Government Officials inside/outside the State.

a) Group-A and Group-B officials of the State Government employees and their dependent family members when referred by the Standing Medical Board to a particular listed referral institution/hospital as Annexed (A) for medical treatment but undertakes the treatment at some other Institution/Hospital of his/her own choice/volition, he/she shall be entitled to get reimbursement for treatment/investigation(s) undertaken at the rates of their referred institution including journey expenses for the purpose as existing T.A. Rules.

It was also submitted that since the Apollo Hospital was approved by the State Referral Board as referral hospital, so, the petitioner is entitled to get the reimbursement of the said expenses. Learned Counsel also submitted that in this regard, a certificate has been issued by SDM, Sadar **(Annexure-11)** dated 15.05.2025 from which it appears that the son of the petitioner was dependent upon her and according to Learned Counsel, since **Annexure-11**, i.e. the certificate of dependent supports the memo dated 22.12.2022 and as such there was no justification on the part of the respondents to deny the claim of the petitioner. It was further submitted by Learned Counsel that in the said policy **(Annexure-9)** dated 22.12.2022 there was no indication of any age limit regarding dependency and even the term 'dependent' is not defined in the said policy. It was further submitted that though the respondents have relied upon the Central Services Medical Attendance Rule 1944 and Government of India memorandum dated 25.02.2009, but the same is applicable only in respect of Central Government Employees. But here in the case in hand, the petitioner is a State Government Employee, so, without adoption of the same there is no scope to apply the Central Rules until and unless it is adopted. Learned Counsel further submitted that memorandum dated 16.11.1982 relied upon by the respondents does not impose any age limit, rather the said

memorandum deals with authorized doctors, fee structures and procedure of treatment, nor it indicates 'family' and no age limit is mentioned therein and since the State referral board granted *expost-facto* referral on 22.05.2024 which has not been objected by the respondents, so, there was no ground to deny the same. So, the action of the respondents is arbitrary and violative of Article 14 and 21. Further, Learned Counsel submitted that the cited case of the CAT as referred by the respondents is distinguishable, so, the same cannot be applied in this case. The State-respondents have contested the case by filing counter-affidavit denying the assertions of the petitioner. In the counter-affidavit it was specifically stated that the State of Tripura by memorandum dated 16.11.1982 has adopted the Central Services Medical Attendance Rule, 1944 and as per the Central Services Medical Attendance Rule the petitioner is not entitled to get the benefit of medical reimbursement for her son, since he has attained the age of 28 years and the definition of 'family' clearly excludes the entitlement of the son beyond 25 years. In addition to that the State-respondents along with the counter-affidavit relied upon one memorandum dated 25.02.2009 issued by the Deputy Secretary to the Government of India, Ministry of Health and Family Welfare **(Annexure-2)** which excludes the entitlement of son above 25 years and also relied upon one judgment of the Central

Administrative Tribunal, in case No.TR 07/2012 dated 27.03.2014 (**Annexure-3**).

04. At the time of hearing, Learned G.A. appearing on behalf of the State-respondents submitted that since the State of Tripura has adopted the Central Services Medical Attendance Rule 1944 by memorandum dated 16.11.1982 which excludes the entitlement of the son of the present petitioner being aged about 28 years at the time of filing the writ petition. So, clause (a) of memo dated 22.12.2022 would not attract the case of the present petitioner.

05. Heard both the sides. Since there is no dispute on record that the State of Tripura has adopted the Central Services Medical Attendance Rule, 1944 by a memorandum dated 16.11.1982. So, here in this writ petition, we are to decide whether the petitioner of the instant writ petition is entitled to reimburse the medical expenses incurred for the treatment of her son who is aged about 28 years. From the documents referred by the parties, it appears that in none of the documents the definition of 'family' is mentioned. In this regard, Swamy's compilation of Medical Attendance Rules in the caption "Concession for families", the term 'family' has been defined, which reads as under:

I. Definition of Family

1. General conditions. --The term '*family*' for the purpose of the Centr Services (Medical Attendance) Rules, 1944, shall mean a Government servant's wife or husband, as the case may be,

and parents, sisters, widowed sisters, widowed daughters, minor brothers, children, stepchildren divorced/separated daughters and stepmother wholly dependent upon the Government servant and are normally residing with the Government servant.

NOTE 1.-- A member of the family is treated as dependant only if his income from all sources including pension and pension equivalent of DCRG benefit and exclusive of Dearness Relief on pension sanctioned after December, 1995 and Dearness Pension sanctioned from 1-4-2004 is less than 1,500 p.m. The condition of dependency both in the case of the husband or the wife of the Government servant has been dispensed with.

NOTE 2.-- The residential condition for members of families of a Govern-dance and treatment even if they do not stay with the Government servant. servant having been waived, family members may have medical Recanting Parents, please see Para. 2 (b).- AUTHORS.

(a) Age-limits of dependent son/daughter.-

(i)Son	Till he starts earning or attains the age of 25 years or gets married, whichever is earlier.
(ii) Daughter	Till she starts earning or gets married, irrespective of the age-limit, whichever is earlier.
(iii)Son suffering from any permanent disability of any kind (physical or mental).	Irrespective of age-limit
(iv)Dependent divorced/abandoned or separated from their husband/ widowed daughters and dependent unmarried /divorced/abandoned or separated from their husband /widowed sisters.	Irrespective of age-limit
(v) Minor brother(s).	Up to the age of becoming a major.

This order will take effect from the date of issue of the Office Memorandum.

This order would also be applicable to Central Government employees vered under Central Services (Medical Attendance) Rules, 1944.

This issues with the concurrence of IFD vide their Dy. No. 2552/2007, dated the 15th May, 2007.

From the aforesaid definition of the 'family', it appears that the entitlement of the son is mentioned as under:

(a) Age-limits of dependent son/daughter.-

(i)Son	<u>Till he starts earning or attains the age of 25 years or gets married, whichever is earlier.</u>
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From the aforesaid definition, it appears that by the said rules, it is specifically mentioned that the said order of definition of 'family' would apply to Central Government Employees covered under Central Services (Medical Attendance Rules, 1944). Now, since the State of Tripura has adopted the said Central Services Medical Attendance Rules by notification dated 16.11.1982 which is still followed. So, in view of the said rule it is found that the dependent-son of the petitioner aged more than 25 years is not entitled to medical coverage by the Government servant. Furthermore, the memo dated 25.02.2009 issued by the Deputy Secretary to the Government of India, Ministry of Health & Family Welfare, Department of Health & Family Welfare (**Annexure R-2**) relied upon by the respondents, it also excludes the son aged about more than 25 years from the coverage of medical facilities. So, in pursuance of memo dated 22.12.2022 (**Annexure-9**) relied upon by the petitioner, the present petitioner is not entitled to get benefit of medical reimbursement of her son as prayed for, who according to her is depending upon her income.

Hon'ble the Apex Court in a judgment in **State of Punjab and Others vs. Ram Lubhaya Bagga and Others** dated 26.02.1998 reported in **(1998) 4 SCC 117**, wherein in para No.25 observed as under:

"25. Now we revert to the last submission, whether the new State policy is justified in not reimbursing an employee, his full medical expenses incurred on such treatment, if incurred in

any hospital in India not being a government hospital in Punjab. Question is whether the new policy which is restricted by the financial constraints of the State to the rates in AIIMS would be in violation of Article 21 of the Constitution of India. So far as questioning the validity of governmental policy is concerned in our view it is not normally within the domain of any court, to weigh the pros and cons of the policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning, except where it is arbitrary or violative of any constitutional, statutory or any other provision of law. When Government forms its policy, it is based on a number of circumstances on facts, law including constraints based on its resources. It is also based on expert opinion. It would be dangerous if court is asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out on affidavits. The court would dissuade itself from entering into this realm which belongs to the executive. It is within this matrix that it is to be seen whether the new policy violates Article 21 when it restricts reimbursement on account of its financial constraints."

From the above observation, it appears that it is not within the domain of the Court to weigh the pros and cons of the policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning, except where it is arbitrary or violative of constitutional, statutory or other provision of law.

06. Since, the petitioner has failed to satisfy the Court by showing any extent rule of the State that the son of the petitioner aged about 28 years would be entitled to medical coverage. As such this Court does not find any scope to grant any relief in favour of the petitioner in absence of any statutory rule.

07. In the result, the writ petition filed by the petitioner stands dismissed being devoid of merit. The petitioner is not entitled to get any relief in this petition. No order is passed as to costs.

With this observation, this writ petition stands disposed of.

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

JUDGE



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