

**HIGH COURT OF TRIPURA
A G A R T A L A**

WP(C) No.288 of 2025

Md. Tauhid Alam,

S/o Lt Abdul Rahim, resident of Bishalghar, Ragunathpur, Sepahijala, Tripura, Pin 799102

..... Petitioner(s)

- V e r s u s -

1. The State of Tripura,

To be represented by the Secretary, Department of Agriculture & Farmers Welfare, New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, PIN 799010.

2. The Director, Directorate of Agriculture,

Government of Tripura, Krishi Bhavan, Agartala, Tripura, Pin 799001.

3. The Secretary, Finance Department,

New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, PIN 799010.

4. The Executive Engineer (Mech.), Department of Agriculture & Farmers Welfare,

Office Lane, Agartala, West Tripura.

.....Respondent(s)

For the Petitioner(s) : Mr. P. Roy Barman, Senior Advocate.
Ms. Sutapa Deb Barman, Advocate.

For the Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

05/03/2026

Heard learned counsel of both sides.

[2] Mr. P. Roy Barman, learned senior counsel assisted by Ms. Sutapa Deb Barman, learned counsel for the petitioner submits that the petitioner is a Group-B employee working as a Junior Engineer (M) Grade-I under the Department of Agriculture and Farmers Welfare, met with an accidental fall on 26.08.2024 and his knee cap was broken. At the time of said accident, he was posted at Central Agricultural Workshop, A.D. Nagar, Agartala. He was then taken to ILS hospital on the following day at around 01.14 am in the night on emergency basis and said hospital is also located at Agartala. On that day, he underwent a surgical

procedure without delay and he was released from the hospital on 30.08.2024. After his recovery, he submitted a medical reimbursement claim of Rs.1,41,436/- (*Rupees one lakh forty one thousand four hundred thirty six*) incurred for his treatment to the Department on 09.09.2024 which was ultimately rejected by the Department vide letter dated 02.11.2024 (Annexure 3) communicated by the Dy. Directory of Agriculture (Estt.) with intimation to the petitioner, only on the ground that without being referred by the Standing Medical Board, AGMC & GBP Hospital, Agartala for his treatment, he was not entitled to get such medical reimbursement. Being aggrieved by the said order, the present writ petition has been filed.

[3] Mr. Roy Barman, learned senior counsel referring to the Clause (b) of the memorandum dated 22.12.2022 (Annexure 9) submits that the hospital where the petitioner received treatment is also a referral hospital empanelled by the State Government and moreover, it is also located in the same township where the petitioner was working and therefore, as per said provision of Clause (b) of said memorandum dated 22.12.2022, even ex-post facto referral certificate is also not required as it was not a case of receipt of treatment outside the State. In such circumstances, according to learned senior counsel, the rejection of his claim of medical reimbursement was totally illegal and arbitrary.

[4] Mr. Roy Barman, learned senior counsel also submits that the factum of receiving of injury and the treatment done thereupon are not disputed by the respondent side. Mr. Roy Barman, learned senior counsel, therefore, prays for granting redresses to the petitioner in terms of his prayer made in the writ petition. Learned senior counsel also relies on a decision of Hon'ble Supreme Court in case of **Shiva Kant Jha vs. Union of India, (2018) 16 SCC 187** and the relevant paragraph No. 17 as relied on by him is reproduced hereunder:

“17. It is a settled legal position that the government employee during his lifetime or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights. It is acceptable to common sense, that ultimate decision as to how a patient should be treated vests only with the doctor, who is well versed and expert both on academic qualification and experience gained. Very little scope is left to the patient or his relative to decide as to the manner in which the ailment should be treated. Speciality hospitals are established for treatment of specified ailments and services of doctors specialised in a discipline are availed by patients only to ensure proper, required and safe treatment. Can it be said that taking treatment in speciality hospital by itself would deprive a person to claim reimbursement solely on the ground that the said hospital is not included in the government order. The right to medical claim cannot be denied merely because the name of the hospital is not

included in the government order. The real test must be the factum of treatment. Before any medical claim is honoured, the authorities are bound to ensure as to whether the claimant had actually taken treatment and the factum of treatment is supported by records duly certified by doctors/hospitals concerned. Once, it is established, the claim cannot be denied on technical grounds. Clearly, in the present case, by taking a very inhuman approach, the officials of CGHS have denied the grant of medical reimbursement in full to the petitioner forcing him to approach this Court.”

[5] Mr. Roy Barman, learned senior counsel also relies on another decision of a Coordinate Bench of this High Court in case of ***Sri Uttam Pal vs. the State of Tripura and others [WP(C) No.1479 of 2017]*** wherein the then Hon'ble Chief Justice of the High Court at paragraph No.21 observed as such:

“[21] In my considered view, the precondition of seeking referral from the Standing Medical Board before to proceed in availing medical treatment from the approved hospital/private hospital outside the State if any, under the notification dt. 25th October 2013 is directory in character subject to fulfillment of the conditions prescribed in availing reimbursement of medical expenses under the Govt. notification dt. 25th October 2013, where a patient has taken treatment from an approved hospital or the hospital of his choice (Other than the approved hospital) is entitled for reimbursement of medical expenses incurred to the extent of such medical expenses if incurred in taking treatment from the approved hospital or from a private hospital where he has taken treatment whichever is lower taking note of the restrictions imposed by the Govt. under its notification dt. 25th October 2013 extending financial assistance to its employees for availing medical facilities, which is a social obligation of the State.”

[6] Mr. M. Debbarma, learned Addl. G.A., however, opposes the claim of the petitioner submitting that as per the said memorandum dated 22.12.2022, the petitioner was required to be referred by the State Medical Board to ILS hospital for treatment and without having such referral certificate, receiving of treatment in said hospital cannot be reimbursed. Mr. Debbarma, learned Addl. G.A. also submits that as per Clause (f) of said memorandum dated 22.12.2022, in case of all categories of the State Government employee (Group-A, B, C and D), while being outside the State in connection with official duties/for his own duty, with station leave permission if falls ill and requires medical treatment in any health institution, will be eligible to get reimbursement of the treatment expenses at latest CGHS rates subject to the condition that it is applicable in acute emergency cases like chest pain, cardiac failure, brain stroke, trauma and head injury and 1st time cancer etc.

[7] Court has considered the submission of both sides and has taken the notes of above said decisions of Hon'ble Supreme Court and also of this Court as extracted earlier.

[8] Clause (b) of memorandum dated 22.12.2022 itself gives the passage to a Group A or Group B employee or their family member to avail treatment in any enlisted referral hospital both inside/outside the State. There is no dispute that ILS hospital is an enlisted referral hospital of the State Government. However, there is some restriction that ex-post facto approval of Standing Medical Board is required if such treatment is received in case of emergency or acute illness when the government servant is outside the State. This is not the situation in the present case.

[9] In view of above, this Court finds no justifiable reason to regret the claim of the petitioner for want of medical referral certificate issued by the Standing Medical Board. Hon'ble Supreme Court in **Shiva Kant Jha (Supra)** clearly observed that the government employee during his lifetime or after his retirement is entitled to get the benefit of medical facilities and no fetters can be placed on his such rights. Real test is whether he was ill and for that reason whether he has received the treatment or not.

[10] In view of above, the writ petition is allowed. The respondents are directed to consider the medical reimbursement bill of the present petitioner as submitted by him without insisting for any referral certificate and to make necessary reimbursement in accordance with Rules and as per the rate as approved by the relevant guidelines/instructions issued by the State Government. The entire process should be completed within 6 (six) weeks of receipt of copy of this order.

With such observation and direction, the writ petition is disposed of.

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

JUDGE