

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 8005 of 2012**

Vina Pandey @ Vina Kumari ..... Petitioner

**Versus**

The State of Jharkhand & Ors. .... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. Rishi Bharati, Advocate

For the Respondents : Mr. Rakesh Kr. Roy, A.C. to G.A.-III

**20/Dated: 26<sup>th</sup> March, 2021**

Heard through V.C.

**2.** Order dated 27.06.2016 reads as under:-

*8/ 27.06.2016 The husband of the petitioner, who was working as Assistant Teacher, and while he had gone to Malda, in the State of West Bengal to attend a family ceremony on 7.6.2010, suddenly fell ill suffering from acute pancreatitis, due to which, he was admitted in Dishari Health Point Pvt. Ltd., in critical condition. Thereafter he was shifted to other hospitals and ultimately he died on 29.8.2010 while undergoing treatment in Christian Medical College & Hospital, Vellore.*

*After death of her husband, the petitioner made claim for medical reimbursement, but according to the counter affidavit filed on behalf of the State, the expenses incurred by her husband in his treatment in the hospitals outside the State were not admissible, and the counter affidavit has been filed denying the liability of the State.*

*A rejoinder to the counter affidavit has also been filed, whereby, a letter contained in Memo No. 760 dated 28.4.2014 has been brought on record as Annexure-8, which is issued by the State Government, Human Resource Development Department, giving the post facto sanction of the treatment of the husband of the petitioner in the hospitals, where he was treated. The affidavit denying the claim of the petitioner was filed prior to issuance of Annexure-8.*

*In such situation, learned counsel for the petitioner has submitted that the final decision shall be taken on the basis of Annexure-8 within a short period of time.*

*At the request of learned counsel for the State, list this case on 11.7.2016. By which date, it is expected that the final decision shall be taken and the amount incurred on medical expenses shall be sanctioned*

*by the State Government on the basis of letter contained in Memo No. 760 dated 28.8.2014 and the respondent State shall inform this Court about the same.*

*Let a copy of this order be handed over to the learned counsel for the State for the needful.”*

**3.** Thereafter on 30.08.2016 this Court categorically directed the respondents to clear the bills of the petitioner positively within the period of three months after getting the bills counter signed from the respective hospital and it was also observed that “It is expected that on the next date this Court shall be informed that the due payment has been made to this petitioner.”

**4.** Order dated 30.08.2016 is quoted herein below:-

*“10/30.08.2016 The husband of the petitioner, who was working as Assistant Teacher, had gone to Malda, in the State of West Bengal to attend a family ceremony on 7.06.2010, where he suddenly feel ill suffering from acute pancreatis, due to which, he was admitted in Dishari Health Point Pvt. Ltd., in critical condition. Thereafter, he was shifted to other hospitals and ultimately, he died on 29.8.2010 while undergoing treatment in Christian Medical College & Hospital, Vellore.*

*A counter affidavit had been filed on behalf of the State, in which, it was stated that the expenses incurred by the husband of the petitioner in his treatment in the hospital outside the State were not admissible. However, a rejoinder to the said counter affidavit was filed, in which, it was brought on record, that post facto sanction for the treatment of the husband of the petitioner in the hospitals, where he was treated, was granted by the State Government.*

*In that view of the matter, by order dated 27.06.2016, the case was adjourned at the request of the learned counsel for the State to take final decision on the basis of the post facto sanction.*

*Now, when the case is taken up, it is submitted by the learned counsel for the State that the medical bills were not found to be counter signed. This objection has come for the first time during the hearing of this*

*writ application, though other objections were raised earlier, which were replied.*

*It is admitted by the learned counsel for the State that the respondents may also take steps to get the bills counter signed from the respective hospitals at their level. The claim of the petitioner however, is not disputed by the respondents and the only objection raised is that the medical bills are not counter signed.*

*In the facts of this case the respondents are directed to clear the bills of the petitioner positively within a period of three months after getting the bills counter signed from the respective hospitals at their own level.*

*Let this matter be listed again on 06.12.2016 under the same heading. It is expected that now the claim of the petitioner shall no more be disputed on any other new technical ground on that date.*

*Let a copy of this order be handed over to the learned counsel for the State for the needful, and it is expected that on the next date this Court shall be informed that the due payment has been made to the petitioner.”*

**5.** Order dated 19.01.2017 transpires that learned counsel for the respondent-State informed this Court that the bills which were sent to the respective hospital have been received back and necessary decision on this matter shall be taken.

**6.** Ms. Bharati, appearing for the petitioner submits that a second supplementary counter-affidavit has been filed in this case, wherein they are raising the same dispute and still the petitioner has been deprived for her claim.

**7.** Learned counsel for the respondent is directed to file a show cause as to why not a contempt proceeding should be initiated against the concerned respondent for non-complying the order dated 30.08.2016 and delaying the matter for one reason or the other because vide order dated

30.08.2016 passed by this Court the respondents were directed to clear the bills of the petitioner positively within a period of three months.

**8.** Let the affidavit be filed within a period of four weeks from today.

**9.** Put up this case on 03.05.2021.

**(Deepak Roshan, J.)**

Amardeep/