

50/100
**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 259/103.....

R.A/C.P No.....

E.P/M.A No.....

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SECTION OFFICER (Judl.)

S. Saha
20/11/17

FROM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 259 /2003

Misc Petition No: _____/

Contempt Petition No: _____/

Review Application No: _____/

Applicants: - S.P. Singh Yadav

Respondents: - Supdt. of Police, CBI, Guwahati.

Advocate for the Applicants: - In person.

Advocate for the Respondents: - C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time Condonation Petition is filed / not filed C.P for Rs 5/- deposited vide IPO BD No. 9270 4419	19.11.2003	Present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman The Hon'ble Shri S. K. Naik Administrative Member.
Dated 18-11-03 <i>Done</i> By. Registrar		Heard the applicant in person. Order passed, kept in separate sheets.
<i>Steps taken w.r.t Enquiry</i>		The application is dismissed in terms of the order.
<i>S.12-03</i> copy of the Judgment has been sent to the Smt. for issuing the same to the applicant as well as to the R.C.S.C.	<i>Done 18/11/03</i>	<i>Swami</i> Member bb <i>BB</i> Vice-Chairman
<i>18/11/03</i>		

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~Rec.~~ No. 111 259 of 2003.

DATE OF DECISION 19.11.2003.

.....Suresh Pal Singh Yadav.....APPLICANT(S).

.....In Person.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....The Superintendent of Police, CBI, Guwahati.....RESPONDENT(S)

.....M.C.A. Deb Ray, Sr.C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE ~~MR~~ SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.

THE HON'BLE SHRI S. K. NAIK, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble ~~Member~~ Vice-Chairman.

28/11/2003

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.259 of 2003.

Date of Order : This, the 19th Day of November, 2003.

THE HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.

THE HON'BLE SHRI S. K. NAIK, ADMINISTRATIVE MEMBER.

Suresh Pal Singh Yadav
Inspector of Police, CBI
Anti Corruption Branch
Guwahati.

AND

At Present, R/o. Dorothy Apartments
4th Bye Lane, ABC, Tarun Nagar
G.S.Road, Guwahati.

..... Applicant.

Appeared in person.

- Versus -

1. The Superintendent of Police
Central Bureau of Investigation (CBI)
Anti Corruption Branch
R.G.Banuah Road
Sundarpur
Guwahati. Respondents.

Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

MRS. LAKSHMI SWAMINATHAN, (V.C.) :

We have heard the applicant Shri S.P.Singh Yadav, in person at some length. The applicant is aggrieved by the non-action of the respondents in not paying him certain medical bills stated to be pending since 26.11.2001.

2. We note from the memorandum of parties that necessary parties have not been impleaded. We further note that there is not even a Misc. Petition for condonation of delay, having regard to the provisions of sections 20 & 21 of the Administrative Tribunals Act, 1985. The applicant, ~~in person~~¹⁸ has submitted that there is no question of delay because he has been repeatedly and continuously making representations to the respondents

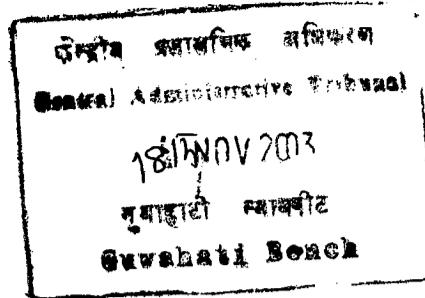
for re-imbursement of his medical bills pending since 26.11.2001. Having regard to the settled principles of law on the subject we are unable to agree with the contentions of the applicant that this is a continuous cause of action.

3. In view of the above facts and circumstances of the case, the O.A. is dismissed on the grounds of bar of limitation as well as non-joinder of necessary parties, at the admission stage itself.

Naik
(S. K. NAIK)
ADMINISTRATIVE MEMBER

Lakshmi Smethan
(LAKSHMI SWAMINATHAN)
VICE CHAIRMAN

bb



FILED BY :-
S.P. SINGH YADAV

S.P. SINGH YADAV
(Applicant) 18.11.03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH :: GAUHATI
(An application Under Section 19 of the Administrative Tribunal
Act 1985)

O.A.NO. 259 /2003.

Suresh Pal Singh Yadav,

..... Applicant.

- Vs -

Superintendent of Police,
Central Bureau of Investigation,
Anti-Corruption Branch, SPE,
Gauhati - 5.

..... Respondent.

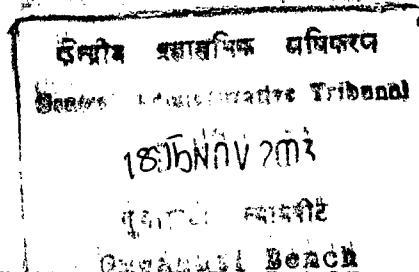
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S.No.	*** Documents	*** Annexures	*** Pages
1.	Application with Verification	-	1 - 8
2.	Photo copy of Medical Bill submitted on 26.11.2001	A/1	9-32

Filed By -

Suresh Pal Singh Yadav
S.P. Singh Yadav.

Applicant - in - Person.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH :: GAUHATI

(AN APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIEJNAL ACT)

O.A.No. _____/2003

BETWEEN

Suresh Pal Singh Yadav,
Inspector Of Police CBI,
Anti Corruption Branch, Gauhati.

AND

At Present, r/o Dorothy Apartments,
4th Bye Lane, ABC, Tarun Nagar,
G.S. Road, Gauhati - 5.

..... Applicant.

— vs —

The Superintendent Of Police,
Central Bureau of Investigation (CBI),
Anti-Corruption Branch,
R.G.Baruah Road, SundarPur,
Gauhati - 5.

..... Respondent.

DETAILS OF APPLICATION :-

**1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MADE :-**

This application is made in connection with

non-disbursement of Medical Bills amounting Rs.17835/-
(Rs. Seventeen Thousand Eight hundred Thirty Five only/-)
pending in the office of the respondent since 26.11.2001.

2. JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of instant application for which he wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :-

The applicant further declares that the said application is under the limitation as prescribed U/S 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

4.1 That the applicant is a citizen of India and at present resident of Tarun Nagar, Guwahati - 5 and as such he is entitled for all the rights and privileges guaranteed by the Constitution of India & other laws of the land.

4.2 That the applicant joined in Central Bureau of Investigation(CBI), Guwahati (ASSAM) on deputation from Uttar Pradesh Police in compliance with order dated 14.10.93 passed by Assistant Director(E)/CBI, New Delhi, and since then the applicant has rendered his services to this department.

4.3 That while serving in the department as Inspector, the wife of the applicant became seriously ill and was diagnosed and operated and accordingly a bill of Medical expenditure incurred on her treatment till her recovery of health amounting Rs.17835/= was submitted to this respondent for its disbursement but no action has been taken in this regard till date .

The photo copies of the documents submitted to the respondent on 26/11/2001 are annexed herewith and are collectively marked as Annexure - A/1.

4.4 That thereafter, the applicant submitted several requests letter dated 22.2.02, 7.4.03 and 10.6.03 to the respondent and also personally met him and made repeated verbal requests to disburse the pending Medical bills but the respondent did not take any action in this regard which has caused irreparable loss and injury to the applicant.

The applicant craves the leave of this Hon'ble Tribunal to produce the request letters at the time of hearing.

4.5 That adding insult to the injury the applicant was also placed under suspension w.e.f. 26.4.2000 and was also

released on 12.5.03 during the currency of suspension. Be it submitted that the Subsistence Allowances of the applicant is also not paid by the respondent and as such the applicant is under great financial hardships and is passing the time in mental distress and agony.

4.6 That the applicant most humbly submits that since then he is also prevented by the respondent to claim his Medical bills disbursement in respect of his entire family members which is against the provisions of law.

4.7 That there is no other alternative and efficacious remedy except this application which is filed bonafide for seeking justice before this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :-

5.1 For that the action of non-disbursement of the Medical Bills by the respondent submitted to him on 26.11.2001 is illegal, arbitrary, malafide and perverse.

5.2 For that the entire family of the applicant is denied the right to health by the respondent and as such the action of the respondent for non-disbursement of the said bill is also in clear violation of the Authorised Medical Attendance Rules.

5.3 For that the non-communication of the follow-up action taken in the disbursement of the said bills till date is entirely against the principles of natural justice.

5.4 For that the non-payment of Subsistence Allowance to the applicant causing great financial hardships, is the denial of Right to Life as envisaged in Article 21 of the Constitution and therefore action of the respondent is per se illegal, arbitrary, vindictive and therefore action of the respondent are in clear breach of the Constitutional provisions.

5.5 For that due to non-disbursement of the said bill the applicant has suffered irreparable loss and injury in as much as the timely disbursement might have helped the applicant to bear his family expenditure at least for two months.

5.6 For that the applicant being the resident of far off place in the State of Uttar Pradesh, has no other source of income except his salaried income which has also been denied by the respondent on the various pretexts and as such the action of the respondent in non-disbursement of said bills is wilful, and intentional without any basis and thus the same is bad in law.

6. DETAILS OF THE REMEDIES EXHAUSTED :-

That the applicant has exhausted all the remedies available to him and at present there is no other adequate and equally efficacious remedy except this application filed before this Hon'ble Tribunal for seeking justice.

1
2
3
4

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY COURT:-

That the applicant declares that no other application /Writ Petition /suite in respect of this subject matter is pending before any other Court or any other branch of this Hon'ble Tribunal.

8. RELIEF SOUGHT FOR :-

Under the facts and circumstances as stated above it is most humbly and most respectfully prayed before your Lordship(s) to admit this application, issue notice, call for the records and after hearing the parties on the perusal of the record be pleased to grant the following reliefs to the applicant :-

8.1 To direct the respondent to disburse the pending Medical bill pending since 26.11.2001 to the applicant within a specified period.

8.2 To grant penal interest.

8.3 Costs.

8.4 To pass any other relief as your Lordship(s) as deem fit and proper to meet the interest of justice.

9. INTERIM ORDER PRAYED FOR :-

Nil

3062

10
- 7 -

10. This application is filed by the applicant in Person.

11. PARTICULARS OF THE I.P.O. :-

(i) IPO No. 96-704410
(ii) Date 18.11.03
(iii) Payable at Gauhati .

12. LIST OF ENCLOSURES:-

As stated above.

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VERIFICATION

I, Suresh Pal Singh Yadava S/o. Sri. Netra Pal Singh, aged about 49 years and at present resident of Tarun Nager, Gauhati do hereby verify that the contents of paras4.1.....4.7..... are true to my personal knowledge and those made in paras are believed to be true on legal advice and that I have not suppressed any material fact.

And, I sign this verification on the 18th day of November 2003.

Date :- 18.11.03

Place:- Gauhati

Suresh Pal Singh Yadava

Signature of Deponent



To

THE SUPDT of POLICE
CB1/ACB/SDE.
GUWAHATI

Guwahati 781001
Date 17/3/2011
Counter No. 1, 1st Floor
To: SUPDT of POLICE, CB1, ACB, SDE
Guwahati

Wt: 87 grams,
amt: ₹7.00, 18/12/2011, 10:00:03
Have a nice day

Sub: MEDICAL REIMBURSEMENT.

Sir,

May I kindly find enclosed herewith following
for your necessary action. Please:-

- (I) Application for claiming return of medical
expenditure incurred in connection with
operation and treatment of my wife.
- (II) Certificate 'B' furnished by medical officer
of Winelose Hospital, Guwahati.
- (III) Discharge certificate, Doctors prescription/
diagnosis certificate - 3 in Nos
- (IV) Bill Amoyne totalling 25 Nos regarding
Medicines prescribed and other bills
of payment etc.
- (V) Copy of the citation of case law in
Mrs Gauri Sen Gupta vs State of Assam dated
1999 (3) GLT 601 for meeting any likely
objection that might be raised.

It is requested that the matter may be
processed and medical expenditure so
claimed may be disbursed soon.

Yours faithfully
WW.

26/3/2011
S. P. SINHA (AM)
IN: 85/CPD/ACB/11/15
GUWAHATI

Med. 103

Certificate granted to Mrs. / Mr. / Miss JONALI BARUAH

Wife / Son / Daughter of Shri / Smt. SRI SURESH PAL SINGH

(12) **CERTIFICATE 'B'**

[to be completed in the case of patients who are admitted to hospital for treatment]

PART A

[To be signed by the Medical Officer-in-charge of the _____ case of the hospital]

I, Dr. _____ hereby certify: --

(a) that the patient was admitted to hospital on the advice of
on my advice

Name of the Medical Officer: _____

(b) that the patient has been under treatment at WINSTROBE HOSPITAL, GNB Rd, AMBARI and that the undermentioned medicines prescribed by me in this connection were essential for the recovery / prevention of serious deterioration in the condition of the patient. The medicines are not stock in the

Name of Hospital: _____

for supply to private patients and do not include proprietary preparations for which cheaper substances of equal therapeutic value are available nor preparations which are primarily foods, toilets or disinfectants.

S. No.	Name of Medicines	Price Rs. P
1	ASPER ANNEP - (1) dt- 11.7.2001	2037 29
2	do - (2) dt- 12.7.2001	45 02
3	do - (3) dt- 12.7.2001	80 00
4	do - (4) dt- 12.7.2001	126 00
5	do - (5) dt- 12.7.2001	537 00
6	do - (6) dt- 12.7.2001	31 00
7	do - (7) dt- 13.7.2001	52 05
8	do - (8) dt- 13.7.2001	29 91
9	do - (9) dt- 13.7.2001	72 00
10	do - (10) dt- 13.7.2001	82 50
11	do - (11) dt- 14.7.2001	8 20
12	do - (12) dt- 14.7.2001	P.T.O. 9 50
13	do - (13) dt- 14.7.2001	24 26
14	do - (14) dt- 14.7.2001	49 50
15	do - (15) dt- 15.7.2001	27 00
16	do - (16) dt- 15.7.2001	20 00
17	do - (17) dt- 16.7.2001	

(13)

(c) that the injections administered were were not for immunising or prophylactic purposes.

(d) that the patient is / was suffering from _____ and is / was under treatment from _____ to _____

(e) that the X-ray, laboratory tests, etc., for which an expenditure of Rs. 1060 was incurred were necessary and were undertaken on my advice at _____

(f) that I called on Dr. _____ for special consultation and that the necessary approval of the _____

(Name of Hospital or Laboratory)

(Name of the Chief Administrative Medical Officer of the State)

as required under the Rules, was obtained.

MINTROBE HOSPITAL

Dr. M. B. Bora, M.A., M.B.B.S.

Signature and Designation of the Medical Officer-in-charge of the case at the Hospital

PART B

I certify that the patient has been under treatment at the _____ hospital and that the service of the special nurses, for which an expenditure of Rs. _____ was incurred vide bills and receipts attached, were essential for the recovery / prevention of serious deterioration in the condition of the patient.

Signature of the Medical Officer-in-Charge
of the case at the HospitalCOUNTERSIGNED
Medical Superintendent

Hospital

* I Certify that the patient has been under treatment at the _____ hospital and the facilities provided were the minimum which were essential for the patient's treatment.

Place _____

Medical Superintendent

Hospital

N.B.—Certificates not applicable should be struck off. Certificate (D) is compulsory and must be filled in by the Medical Officer-in-charge of the case.

* The minimum facilities certificate may be signed either by the Medical Superintendent of the Hospital concerned or another Gazetted Officer who has been authorised in this behalf by the Medical Superintendent.

1938-1941

1938-1941

13	do — (13) dt- 14.7.2001	24	26
14	do — (14) dt- 14.7.2001	49	50
15	do — (15) dt- 15.7.2001	27	00
16	do — (16) dt- 15.7.2001	80	00
17	do — (17) dt- 16.7.2001	160	00
18	do — (18) dt- 17.7.2001	216	68
19	do — (19) dt- 18.7.2001	456	81
20	LABORATORY TEST etc AS PER ANNEXURE - 20	180	00
21	do — 21	130	00
22	do — 22	750	00
23	SURGEON, ANAESTHETISTS, ASSOCIATE SURGEON FEES TOWARDS OPERATIVE TREATMENT - ANNEX - 23	6400	00
24	HOSPITAL BILL TOWARDS ACCOMODATION, OPERATION THEATRE, DIATHERMY, CARDIAC MONITOR, ECG, ASSISTANTS PULSE OXYMETER, PRESSURE etc VIDE ANNEX - 24 & 25	6180	00

The above medicines were absolutely necessary during and after the operative treatment of Mrs. J. Baloch.

The pre-operative assessment required the above investigations:


DR. M. R. BALOCH, M.D.
PINTARER HOSPITAL
MATERIALS & MEDICALS

CENTRAL LABORATORY

& Research Centre

(Laboratory With Computerised Auto-Analyser)

PATHOLOGIST

Dr. Tridib Barua, M.B.B.S., M.D. (Bombay)

H.No-253
OPD

G.N. BORDOLOI ROAD
SILPUKHURI,
GUWAHATI - 781 003
Phone : 662151

PATIENT..... *Jinali Baruah*

REFERRED BY.....

Date..... 9-7-2017

BIOCHEMICAL TEST	RESULTS	NORMAL VALUES
1. GLUCOSE (TRUE SUGAR)		60-100 mg/100 ml
(a) Fasting		
(b) Post prandial (1/1½/2hrs.)		
✓ (c) Random	104 mg/dl	
2. KIDNEY PANEL	32 mg/dl	15-40 mg/100 ml
(a) Urea		
(b) BUN (Blood Urea Nitrogen)		10-20 mg/100 ml
(c) Uric Acid		3.5-8.0 mg/100 ml (Male) 2.5-7.0 mg/100 ml (Female)
✓ (d) Creatinine	0.7 mg/dl	0.9-1.4 mg/100 ml
(e) Calcium		8.5-10.5 mg/100 ml
(f) Phosphorus		2.5-4.8 mg/100 ml
(g) Magnesium		1.5-2.3 mEq/L
(h) Sodium		140-145 mEq/L
(i) Potassium		4-5.6 mEq/L
3. LIPID PROFILE		
(a) Cholesterol (Total)		150-250 mg/100 ml
(b) Triglycerides		60-160 mg/100 ml (Male) 40-140 mg/100 ml (Female)
(c) HDL (High Density Lipoprotein)		35-95 mg/100 ml
(d) Cholesterol : HDL Ratio		Risk Ratio for CHD Male=5.1, Female=4.5.1
(e) LDL (Low Density Lipoprotein)		130-140 mg/100 ml
(f) VLDL (Very Low Density Lipoprotein)		15-20 mg/100 ml
(g) Total Lipids		400-1000 mg/100 ml

Pathologist

Annex(1)

(1)

Annex - (2)

WINTROBE HOSPITAL

G.N.D. ROAD AIRPORT

GUWAHATI 781001

CASH DEPO

BSB, JORHAT, BORU

NO. 353.01428 11.07.2001 1750RS ESR 1 0 0

CODE	ITEM	R.NO	ITEM	DATE	QTY	AMOUNT
1	3 UPLAN 25 MG TAB	1.00	1.00	1.00	1.00	1.00
2	25 ALBUC 150MG TAB	0.02	0.02	0.02	0.02	0.02
3	1638 PLANTHOL SODIUM	16.72	1.00	16.72	1.00	16.72
4	1826 TILSTIGMINE INJ	3.00	3.00	3.00	3.00	3.00
5	34 ATROPHIN SULFAT	7.16	3.00	7.16	3.00	7.16
6	579 GLYCO P INJ	9.10	3.00	9.10	3.00	9.10
7	1892 HORCURON INJ	126.00	3.00	126.00	3.00	126.00
8	145 CLAMPOSE INJ	7.00	1.00	7.00	1.00	7.00
9	365 FORTWIN INJ	6.54	1.00	6.54	1.00	6.54
10	1150 FETANOV INJ	14.00	2.00	14.00	2.00	14.00
11	242 CONTRAMAL 100 ML	26.00	1.00	26.00	1.00	26.00
12	326 ENESET 2 ML INJ	38.21	1.00	38.21	1.00	38.21
13	73 ALCLOC INJ	7.88	1.00	7.88	1.00	7.88
14	32 ALLOCLOX 500MG IN	10.00	2.00	10.00	2.00	10.00
15	1409 METRON 1 V	17.35	1.00	17.35	1.00	17.35
16	100 BETADIN 100ML 10	66.96	1.00	66.96	1.00	66.96
17	118 BOTROPASE INJ	48.60	1.00	48.60	1.00	48.60
18	1232 LASIX INJ	3.05	1.00	3.05	1.00	3.05
19	314 DECADRAN INJ	11.10	1.00	11.10	1.00	11.10
20	695 1 V DRIP SET	30.00	1.00	30.00	1.00	30.00
21	491 CATHY CAHINJA	49.50	1.00	49.50	1.00	49.50
22	503 RULS TUBE	14.00	1.00	14.00	1.00	14.00
23	502 FUTAHETER	88.00	1.00	88.00	1.00	88.00
24	64 URO BAG	10.50	1.00	10.50	1.00	10.50
25	496 DRAINAGE SHEET	16.00	1.00	16.00	1.00	16.00
26	946 SODIUM	22.30	2.00	22.30	2.00	22.30
27	247 DEXTRROSE SALTIC	22.50	1.00	22.50	1.00	22.50
28	248 RINGER LACTATE	37.50	1.00	37.50	1.00	37.50
29	679 10CC SYRINGE	8.00	1.00	8.00	1.00	8.00
30	579 5CC SYRINGE	0.00	1.00	0.00	1.00	0.00
31	606 2 CC SYRINGE	4.00	1.00	4.00	1.00	4.00
32	597 DISPGLOVES	22.00	6.00	132.00	6.00	132.00
33	634 A CATGUT 2	100.00	1.00	100.00	1.00	100.00
34	634 A CATGUT 1	75.00	1.00	75.00	1.00	75.00
35	626 A CATGUT 1/0	75.00	1.00	75.00	1.00	75.00
36	637 A CATGUT 2/0	75.00	1.00	75.00	1.00	75.00
37	656 VILCYLE 1	216.00	1.00	216.00	1.00	216.00
38	4-9 SECRET 2/0	210.00	1.00	210.00	1.00	210.00
39	176 BUTOPAL	10.00	1.00	10.00	1.00	10.00
40	349 FIBRILON 1/0	37.00	1.00	37.00	1.00	37.00
SUB TOTAL		64,682	2037.29			
SUB TOTAL		2827.29				
TOTAL (CASH)		2827.29				

HEALTH IS HEALTH

Amber Val. 120000

WINTROBE HOSPITAL

G.N.D. ROAD AIRPORT

GUWAHATI 781001

CASH DEPO

BSB, JORHAT, BORU

NO. 353.01427 12.07.2001 2143RS ESR 1 0 0

CODE	ITEM	R.NO	ITEM	DATE	QTY	AMOUNT
01	243 DEXTRROSE	22.00	1.00	22.00	1.00	22.00
02	247 DEXTRROSE SALTIC	22.50	1.00	22.50	1.00	22.50
SUB TOTAL						
SUB TOTAL						
TOTAL (CASH)						

HEALTH IS HEALTH

Amber Val. 120000

Annex - (3)

WINTROBE HOSPITAL

G.N.D. ROAD AIRPORT

GUWAHATI 781001

CASH DEPO

NO. 353.01424 12.07.2001 0727RS ESR 1 0 0

CODE	ITEM	R.NO	ITEM	DATE	QTY	AMOUNT
01	1632 PRICER 1GM INJ	90.00	1.00	90.00	1.00	90.00
SUB TOTAL						
SUB TOTAL						
TOTAL (CASH)						

HEALTH IS HEALTH

Amber Val. 120000

ANNEX-4

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH_MERG

NO	333.014170	12.07.2001	0046HRS	CSR 1	0	0	
NO	CODE	ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
01	1598	NORCURON INJ			126.00	1.00	126.00
		SUB TOTAL				1.00	126.00
		SUB TOTAL					126.00
		TOTAL (CASH)				3.25	0.00

HEALTH IS WEALTH

16

ANNEX-5

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH_MERG

MRS. JAHALI BARUAH

NO	333.014185	12.07.2001	1024HRS	CSR 1	0	0	
NO	CODE	ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
01	941	S. DEXTROSE 5%			18.00	1.00	18.00
02	1644	OLICEF 1GM INJ			84.00	1.00	84.00
03	1409	METRON I.V			17.35	1.00	17.35
04	465	FORTRIN INJ			5.31	1.00	5.31
05	1633	THEMARRAN INJ			3.26	1.00	3.26
06	23	ALLOU INJ			2.83	1.00	2.83
07	679	1/2 CC SYRINGE			5.00	1.00	5.00
08	600	1/2 CC SYRINGE			4.00	1.00	4.00
		SUB TOTAL					204.00
		SUB TOTAL					204.00
		TOTAL (CASH)					204.00

HEALTH IS WEALTH

Annex-6

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH_MERG

6/6/01-5

NO	333.014207	12.07.2001	1633HRS	CSR 1	0	0	
NO	CODE	ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
01	416	P.CATGUT			31.00	1.00	31.00
		SUB TOTAL				1.00	31.00
		SUB TOTAL					31.00
		TOTAL (CASH)				31.00	0.00

HEALTH IS WEALTH

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH_MERG

NO	333.014209	13.07.2001	1310HRS	CSR 1	0	0	
NO	CODE	ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
01	1409	METRON I.V			17.35	1.00	17.35
		SUB TOTAL					17.35
		SUB TOTAL					17.35
		TOTAL (CASH)					52.00

HEALTH IS WEALTH
G.N.B. ROAD AMBARI
Tol-Bazar-Ghat

AnnEx-8

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	CODE	ITEM	R.NO	TAX	QTY	RATE	AMOUNT
81	1802	THROMBOFEN OINT.			1.00	29.91	
		SUB TOTAL			1.00	29.91	
		SUB TOTAL				29.91	
		TOTAL (CASH)				29.91	

HEALTH 15mgml
G.N.B. Road, Ambari
Guwahati 781001

AnnEx-11

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	CODE	ITEM	R.NO	TAX	QTY	RATE	AMOUNT
71	21	ACLOC 15mg TAB			10.00	8.20	
		SUB TOTAL			10.00	8.20	
		SUB TOTAL				8.20	
		TOTAL (CASH)				8.20	

HEALTH 15mgml
G.N.B. Road, Ambari
Guwahati 781001

AnnEx-4

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	CODE	ITEM	R.NO	TAX	QTY	RATE	AMOUNT
81	941.5	DEXTOSE PLAST			1.00	18.00	
82	942.0	D.N.S.PLASTIC			1.00	18.00	
		SUB TOTAL				36.00	
		SUB TOTAL				36.00	
		TOTAL				36.00	

HEALTH 15mgml
G.N.B. Road, Ambari
Guwahati 781001

AnnEx-10

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	CODE	ITEM	R.NO	TAX	QTY	RATE	AMOUNT
81	664	DEXTOSE 5			2.00	22.50	
82	948	RINGER LACTATE			1.00	37.50	
		SUB TOTAL				5.00	
		SUB TOTAL				5.00	
		TOTAL				82.50	

HEALTH 15mgml
G.N.B. Road, Ambari
Guwahati 781001

ANNEX-12

18

ANNEX-13

29

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	353.014344	14.07.2001	0634HRS	CSR 1	0	0
NO	CODE ITEM	R.NO TAX E	RATE	QTY	AMOUNT	
01	715 S V SET		9.50	1.00	9.50	
	SUB TOTAL			1.00	9.50	
	SUB TOTAL					
	TOTAL (CASH)				9.50	

HEALTH & MEDICAL EQUIPMENT
G.N.B. Road, Ambari
Guwahati 781001

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	353.014353	14.07.2001	0745HRS	CSR 1	0	0
NO	CODE ITEM	R.NO TAX E	RATE	QTY	AMOUNT	
01	1743 STYLUS MIX		24.26	1.00	24.26	
	SUB TOTAL				24.26	
	SUB TOTAL					
	TOTAL (CASH)				24.26	

HEALTH & MEDICAL EQUIPMENT
G.N.B. Road, Ambari
Guwahati 781001

ANNEX-15

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	353.014351	15.07.2001	1202HRS	CSR 1	0	0
NO	CODE ITEM	R.NO TAX E	RATE	QTY	AMOUNT	
01	290 NEUROMIC ENEMA		27.00	1.00	27.00	
	SUB TOTAL			1.00	27.00	
	SUB TOTAL				27.00	
	TOTAL (CASH)				27.00	

HEALTH & MEDICAL EQUIPMENT
G.N.B. Road, Ambari
Guwahati 781001

ANNEX-14

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

NO	353.014346	14.07.2001	0636HRS	CSR 1	0	0
NO	CODE ITEM	R.NO TAX E	RATE	QTY	AMOUNT	
01	691 CATHY CANNULA		49.50	1.00	49.50	
	SUB TOTAL			1.00	49.50	
	SUB TOTAL				49.50	
	TOTAL (CASH)				49.50	

HEALTH & MEDICAL EQUIPMENT
G.N.B. Road, Ambari
Guwahati 781001

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

353.014428	15.07.2001	0618HRS	CSR 1	0	0
CODE ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
1600 UDICEF IGM INJ			80.00	1.00	80.00
SUB TOTAL				1.00	80.00
SUB TOTAL					80.00
TOTAL (CASH)					80.00

HEALTH IS WEALTH

WINTROBE HOSPITAL
G. N. B. Road, Ambari
Guwahati 781001

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

353.014495	16.07.2001	0703HRS	CSR 1	0	0
CODE ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
1600 UDICEF IGM INJ			80.00	2.00	160.00
SUB TOTAL				2.00	160.00
SUB TOTAL					160.00
TOTAL (CASH)					160.00

HEALTH IS WEALTH

WINTROBE HOSPITAL
G. N. B. Road, Ambari
Guwahati 781001

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

353.014649	18.07.2001	1054HRS	CSR 1	0	0
CODE ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
1821 TAXIM 0 200 TAB	52.92	8.00	423.36		
1831 T BACT DANT	63.45	1.00	63.45		
SUB TOTAL			9.00	486.81	
SUB TOTAL				486.81	
TOTAL (CASH)					486.81

HEALTH IS WEALTH

WINTROBE HOSPITAL
G. N. B. Road, Ambari
Guwahati 781001

WINTROBE HOSPITAL

G.N.B. ROAD AMBARI

GUWAHATI 781001

CASH MEMO

353.014565	17.07.2001	0745HRS	CSR 1	0	0
CODE ITEM	R.NO	TAX %	RATE	QTY	AMOUNT
1821 TAXIM 0 200 TAB	52.92	4.00	211.12		
130 DIDANZEN FORTE T	6.50	10.00	65.00		
SUB TOTAL			14.00	276.52	
SUB TOTAL				276.52	
TOTAL (CASH)					276.52

HEALTH IS WEALTH
WINTROBE HOSPITAL
G. N. B. Road, Ambari
Guwahati 781001

ANNEXURE - 28
REQUISITION
SLIP

WINTROBE HOSPITAL
S.N.B. Road, Ambai
Guwahati - 1, Ph.: 5222860

Indoor	OPD	Date	28/6
Hosp. No.	2530	Lab. No.	
Ind. regd. No.		X-Ray No.	
		U/S No.	

Patient Name: Sonali Baruah
Investigations required:

Hb% -
TC -
D.L.C -
ESR -
BT - 1mL 0.5
C.T -

REPORT	ON	AT	AMOUNT	180
			ADVANCE	180
			BALANCE	0

20

Signature

28

ANNEXURE - 29 /

SARAI GHAT X-RAY & CLINICAL LABORATORY

Dr. B. Barooah Road, Ulubari, Guwahati - 781007, Ph.: 542943

Name:	2105
Examination:	Sonali Baruah
Sl. No.:	129
Date:	26/06/01
Total:	130
Advance:	100
Kindly bring this TOKEN for collecting your report.	

SUNDAY OPEN UPTO 4.00 P.M.

ANNEXURE - 30



EKOPATH
CENTRE

Opp. Orlon Super Market, Christian Basti
G. S. Road, Guwahati - 5, Ph.: (0361) 222595, 592478

SL. NO.	9111
DATE	16 6 01

Received with thanks from Mr./Mrs./Miss Sonali Baruah.

the sum of Rs. 750/- Rupees Seven Hundred/-
Only for his/her whole value.

Examination.



for EKOPATH CENTRE

(21)

WINTROBE HOSPITAL

G. N. B. Road, Ambari, Guwahati - 781 001

T : 522860

DISCHARGE CERTIFICATE

Hosp. No. 27.34

Ind. Reg. No. 1006

Dt. of Admission 10/7/01

Dt. of Discharge 18/7/01

Name Mrs. Jonali Barua

Address G/0. Suresh pal Singh Yadav, 4th Bye Lane, ABC, Tariagarh, 6 H.Y.

Age 42 yrs. Sex F. Ward C-5

Under Dr. Bhaskar Das M.S.

DIAGNOSIS - Calculous chole cystitis & recurrent appendicitis

INVESTIGATIONS - Enclosed

TREATMENT INSTITUTED - Cholecystectomy + appendectomy done
↓ G/A on 12/7/01

CONDITION AT DISCHARGE - Satisfactory

TREATMENT AFTER DISCHARGE

1. Tab Laxiv - 0 - 200mg
Sig:- 1 tab 12 hourly x 4 days.2. Tab Seconal
Sig:- 1 tab once daily

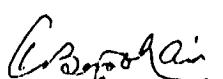
3. T - 6act oint.

To apply locally over the wound

ADVICE -

Check-up after 1 week.

Date 18/7/01


 Signature of Doctor

28

(22)

~~29/7/01
(M)~~

Pd come for Leukemia
- local injection seen in the wound.
Pulse - 80/min.
BP 110/80 mm Hg
Oxat
C. WS } N.R.
CNS
P/A - off B.C. and

Dressing done in Eos Petrolatum, opsite, 8.
Fascialet oint.

AVT to come for dressing on 29/7/01

~~30/7/01~~

Dressing done under Betadine solution.

Sky.

(23)

CENTRAL LABORATORY *H.No-2530*
& Research Centre
(Laboratory With Computerised Auto-Analyser)

PATHOLOGIST

Dr. Tridib Barua, M.B.B.S., M.D. (Bombay)

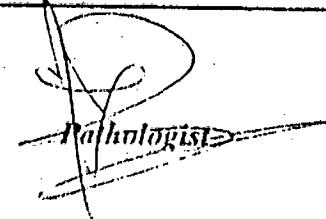
G.N. BORDOLOI ROAD
 SILPUKHURI,
 GUWAHATI - 781 003
 Phone : 662151

PATIENT..... *Jyoti Baruah*.....

REFERRED BY.....

Date..... *9-7-2011*

BIOCHEMICAL TEST	RESULTS	NORMAL VALUES
1. GLUCOSE (TRUE SUGAR)		
(a) Fasting		60-100 mg/100 ml
(b) Post prandial (1/1½/2 hrs.)		
✓ (c) Random	104 mg/dl	
2. KIDNEY PANEL		
✓ (a) Urea	32 mg/dl	15-40 mg/100 ml
(b) BUN (Blood Urea Nitrogen)		10-20 mg/100 ml
(c) Uric Acid		3.5-8.0 mg/100 ml (Male) 2.5-7.0 mg/100 ml (Female)
✓ (d) Creatinine	0.7 mg/dl	0.8-1.4 mg/100 ml
(e) Calcium		8.5-10.5 mg/100 ml
(f) Phosphorus		2.5-4.8 mg/100 ml
(g) Magnesium		1.5-2.3 mEq/L
(h) Sodium		140-145 mEq/L
(i) Potassium		4-5.6 mEq/L
3. LIPID PROFILE-		
(a) Cholesterol (Total)		150-250 mg/100 ml
(b) Triglycerides		60-180 mg/100 ml (Male) 40-140 mg/100 ml (Female)
(c) HDL (High Density Lipoprotein)		35-95 mg/100 ml
(d) Cholesterol : HDL Ratio		Risk Ratio for CHD Male=5.1, Female=4.5.1
(e) LDL (Low Density Lipoprotein)		130-140 mg/100 ml
(f) VLDL (Very Low Density Lipoprotein)		15-20 mg/100 ml
(g) Total Lipids		400-1000 mg/100 ml



(24)

CENTRAL LABORATORY

H. No. 2530, 30
OPD

& RESEARCH CENTRE

(LABORATORY WITH COMPUTERISED AUTO-ANALYSER)

Pathologist

Dr. Tridib Barua
M.B.B.S., M.D. (Bombay)

G.N. BORDOLOI ROAD, SILPUKHURI
GUWAHATI-781 003 (ASSAM)
PHONE : 522151

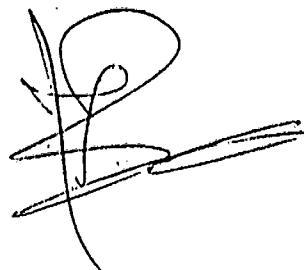
Date..... 9-7-2001

Patient Jonali Baruah

Referred by _____

Examination Blood Groups

1. ABO GROUPING \rightarrow "O"
2. RHESUS TYPING \rightarrow POSITIVE



(25)

Dr. Bhaskar Das, M.B.B.S., M.S.
 GENERAL SURGEON
 Mahendra Mohan Choudhury Hospital, Guwahati

Ph - 513763

Date.....

Jonaki Baruah - 42 | 4/1-

S Cholelithiasis
 adv. operation

B.P - 140/
 90

TC, DCC, ESR, Hb%, BT, CT
 urine > R/E
 stool

X-ray : PA view & soft

✓ Blood Urea / creatinine

✓ Blood Sugar (R)

Blood group (A 30 + RH)
ECG

regd
 17/6/01

(26)

(26)

Prof. B.P. Chakravarty M.B.B.S., M.D.
 WHO Fellow in Medicine (U.K. and U.S.A.)
 Senior Consultant Physician

F.C. Road, Uzanbazar
 Guwahati-781 001
 Residence:
 Sugam Path, Zoo Road
 Guwahati-781 024
 Phone - (0361) 450554

32

Tonali Basumat

US Scan of upper abd

R

1. Pantin - 40 . + 14.1

6"

① ————— ①

P

2. Uoversay

1 ang 1m SOS

3. Broncopan ~ 20

10"

① ————— ① ————— ① Grown

6 —————
 B 16/12/2007

Professor of Medicine, Gauhati Medical College

DR. RUPALI BARUAH, M.D.
Asst. Professor,
Comm. Medicine
GAUHATI MEDICAL COLLEGE

Phone No. 510833 (R)
561325 (O)

Date 25/5/99

Mrs. Jonali Baruah 40 yrs. F.

P + O₃
L.C.B - 14 years
L.H.P - 15.5.99
H/O: repeated
abortion.

Toxoplasmosis - 1/4%
T3.T4, TSH - normal
abdomen - pelvis, in non-pregnant
state - uterus & appendages.

Adm

ANNEXURE - 23

Receipt No. 257 Date 18-7-2001 OPD/INDOOR

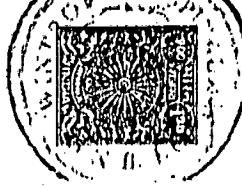
Hospital No. 2734

WINTROBE HOSPITAL

G. N. B. Road, Ambari, Guwahati-781001, Phone : 522860

Received from Mrs. Jonali Baruah
Rupees Six thousand four hundred only
by Cash/Cheque/DD No. Dated
On account of Surgeon, Anaesthetist & Associate Surgeon
fee towards operative treatment

Rs. (6,400/-)



Authorised Signatory

ANNEXURE - 24

Receipt No. 256 Date 18-7-2001 OPD/INDOOR

Hospital No. 2734

WINTROBE HOSPITAL

G. N. B. Road, Ambari, Guwahati-781001, Phone : 522860

Received from Mrs. Jonali Baruah
Rupees Six thousand one hundred eighty only
by Cash/Cheque/DD No. Dated
On account of Hospital Bill No. 149 dt. 18-7-2001

Rs. (6,180/-)



Authorised Signatory

WINTROBE HOSPITAL

G. N. B. Road, Ambari, Guwahati-781001, INDIA. Phone : 522860

No. : 149

HOSP No. 2734 INDOOR REG. No. 1006 Date : 18-7-2001

Patient : Mrs. Jonali Boraiah
 Address : ABC, Tariunagar, Guwahati
 Admission : 10-7-2001 Discharge : 18-7-2001

1. Registration	Rs.	40 00
2. Accomodation	Rs.	2640 00
3. Operation Theatre	Rs.	18000 00
4. Diathermy	Rs.	200 00
5. Cardiac Monitor	Rs.	200 00
6. Medicine/IV/SV/Syringe etc.	Rs.	
7. Special Nursing Care	Rs.	
8. Oxygen	Rs.	
9. Nebuliser	Rs.	
10. E C G	Rs.	200 00
11. Instruments	Rs.	
12. Accessories	Rs.	
13. Laboratory	Rs.	
14. X-ray	Rs.	
15. Ultrasonography	Rs.	
16. Assistants	Rs.	600 00
17. Transfusion/Chemotherapy	Rs.	
18. Micro doppler	Rs.	
19. Pulse Oximeter	Rs.	100 00
20. Others Dressings	Rs.	400 00

TOTAL Rs. 6180 00

Rupees Six thousand one hundred
 and eighty only



Authorised Signatory

case, the question of violation of principle of natural justice does not arise as the petitioner is not associated with the enquiry. He was given notice and he was heard and as such, non-compliance of Rule 9 also does not ariseasmuch as the authority conducted the enquiry and in that enquiry the authority found the truth and passed the appropriate order. Rule 10. Accordingly, this writ application shall be dismissed. Stay order, if any, passed earlier shall stand vacated. However, I make it clear that the petitioner shall be entitled to all the benefits on the strength of his qualification as a candidate to general caste and I hope and trust that the authority shall not adopt a discriminative attitude and adopt a magnanimous attitude in the matter. It is needless to say that cancellation of this particular appointment shall not be a bar for the petitioner to get an appointment in the Govt. Department in future as a general candidate. But his present appointment shall stand cancelled. Rule 11. Both the Civil Rules stand disposed of accordingly. I make no order as to costs.

1999(3) GLT 601

(BEFORE J.N. SARMA, J.)

GOURI SENGUPTA ...PETITIONER

VS-

STATE OF ASSAM

& ORS.

...RESPONDENTS

Civil Rule No. 4807 of 1996

Decided on 1.7.1999

Service Law — Medical Reimbursement — Assam Govt. employee undergoing treatment for cancer in a Private Nursing Home outside the State of Assam — Petitioner's bill for reimbursement of Medical expenses not approved on the ground that Private Nursing Home is not recognized by the State of Assam for the purpose of [IN/PKT]

reimbursement of medical expenses — Direction given for reimbursement of the medical expenses of the petitioner with interest @ 18%.

(1996)2SCC 336 Followed, (1997)2 SCC 83, (1998)4 SCC 117 referred.

Cases referred : Chronological

Paras

1. 1996 (2) SCC 336: Surjit Singh

2

2. 1997 (2) SCC 83: State of Punjab &

1

Ors. Vs. Mahinder Singh Chawla & Ors.

2

3. 1998(4) SCC 117: State of Punjab &

2

Ors. Vs. Ram Lubhney Brigan & Ors.

2

Advocates appeared for the Petitioner :

Mr. Amitav Roy & Mr. Avijit Roy

Advocates appeared for the Respondents :

Mr. K.H. Choudhury and Mr. B. Goswami

JUDGMENT & ORDER (ORAL)

J.N. SARMA, J.

This writ application has been filed by a lady and that also by a Matron of the Civil Hospital at Nowgong. But ultimately she herself was ill and she went to Dibrugarh and there she consulted Dr H.N. Sarma, Professor of Obstetrics and Gynaecology, Assam Medical College, Dibrugarh and Doctor Binut Kumar Baruah, Asstt. Professor of the same Department. The attending Doctors on preliminary examination advised her Biopsy suspecting that she was suffering from Carcinoma of the uterus and it was found that she was suffering from Carcinoma. Doctor immediately advised her to attend an advanced Gynaecological centre outside the State of Assam for further treatment. It was also advised that the patient should be accompanied by an escort. She was advised to undergo major abdominal surgery for removal of the uterus. A copy of the reports are annexed to this writ application as Annexures-1, 2 and 3. The petitioner went to Calcutta and there she got herself treated in Lans Down Nursing and Research Centre at Calcutta and thereafter she attended the Thakur Pukur Cancer Centre

and Welfare Home for Radiotherapy and Brachy Therapy and also took various courses of Radiations as advised by the Doctors of the said Institution. The petitioner after completion of her treatment returned to Dibrugarh. It is stated herein that the husband of the petitioner accompanied the petitioner as Escort. Documents regarding her treatment are Annexure-4. The petitioner on her return to Dibrugarh submitted the medical reimbursement bill on 30.1.89 to the Director of Health Services, Hengrabari at Guwahati. Along with the bill, she furnished the relevant vouchers supporting her claim and necessary certificates of the attending Doctors. The total amount of the bill comes to Rs.34,774.19p. Certain classifications were called for with regard to the claim which she furnished in due course. The bill of the petitioner was not approved by the authority on the ground that the private Nursing Home is not recognized by the State of Assam for the purpose of reimbursement of the medical expenses. Hence, this writ application.

2. Though this writ application was filed in the year 1996, till today no affidavit-in opposition has been filed. Today Mr K.H. Choudhury, Addl. Sr. Advocate, Assam has produced before me a written instruction received by him from the department. The only ground is that there is a report of the Committee of Assam Legislative Assembly with regard to this matter. That is quoted below:

"After a very careful consideration of the case in the light of the recommendation of the Hon'ble Committee, Government has found that any exception to the rules already in force may result into a series of demands of this nature. In such a situation it would be difficult for the Govt. to reject such cases once a precedent is set and it is also possible, that the applicants in such cases, after failing to receive Govt. approval may

obtain favourable court orders. In view of this it is felt that rules in force shall be strictly in case of reimbursement of medical bill of Smti. Gouri Sen Gupta, Matron of Gouri Sen Gupta Medical College, Dibrugarh."

It is really a strange situation where it is stated that after failing to receive Govt. approval may obtain favourable court orders. That is why her claim was rejected by maintaining strict adherence to the rules regarding reimbursement of medical bill of Smti Gouri Sen Gupta, the present petitioner. This matter is no longer res-integra inasmuch as the Apex Court in 3 decisions has settled the matter. The first decision in this regard is (1996) 2 SC 336 (*Surjit Singh Vs-State of Punjab and others*). That was a case where an employee of the Punjab Government was suffering from heart trouble. He even without approval of the Punjab Government went to London on his own. After coming back from London, he submitted a medical bill for reimbursement. The Punjab Government refused to pay the bill on the plea that there was no approval from the Government and as because the case was not referred by the Medical Board as required under the rules. Dealing with that aspect of the matter, the Apex Court in paragraph 12 has laid down the law as follows:

"The appellant therefore had the right to take steps in self preservation. He did not have to stand in queue before the Medical Board, the manning and assembling of which, barefacedly, makes its meeting difficult to happen. The appellant also did not have to stand to stand in queue in the government hospital of AIIMS and could go elsewhere to an alternative hospital as per policy. When the state itself has brought Escorts on the recognised list, it is futile for it to contend that the appellant could in no event have gone to Escorts and his claim cannot on that basis be allowed, on suppositions. We

think to the contrary. In the facts and circumstances, had the appellant remained in India, he could have gone to Escorts like many others did, to save his life. But instead he has done that in London incurring considerable expense. The doctors causing his operation there are presumed to have done so as one essential and timely. On that hypothesis, it is fair and just that the respondents pay to the appellant, the rates admissible as per Escorts. The claim of the appellant having been found valid, the question posed at the outset is answered in the affirmative. Of course the sum of Rs. 40,000 already paid to the appellant would have to be adjusted in computation. Since the appellant did not have his claim dealt with in the High Court in the manner it has been projected now in this Court, we do not grant him any interest for the intervening period, even though prayed for. Let the differences be paid to the appellant within two months positively. The appeal is accordingly allowed. There need be no order as to costs.

The Supreme Court has pointed out that it is always not necessary to wait for the approval of the Medical Board. There is no necessity to stand in the queue before the Medical Board, because it is well known situation that the Medical Board shall meet according to its convenience and in the meantime the patient may die. It was further pointed out by the Apex Court that there is no need to go for a particular approved institution. He can go to any institution of his choice, but he will be paid the medical reimbursement according to the rate of approved institution. (ii) the next case of this point is (1997 2SCC 83 (*State of Punjab and others-Vs-Mohinder Singh Chawla and ors.*)). That of course was a case where the Punjab Govt. approved the referred case of the patient of a particular hospital as there was no specialized treatment available in the State

of Punjab and permission was given to go outside the State. That was done, but only the controversy was that whether the patient shall be paid the room rent of that particular hospital. The Supreme Court allowed it. The Supreme Court said that room rent of that particular hospital is a part of the medical expenses and that must be reimbursed by the State Government. (iii) The next case on this point is (1998) 4 SCG 117 (*State of Punjab and ors-Vs-Ram Lubhaya Bagga and ors*). There a challenge was made to the policy formulated by the State of Punjab with regard to the reimbursement of medical bill. The Supreme Court said that a policy cannot be challenged, because that is wisdom of the authority. But at the same time, the Supreme Court referred to the earlier law and the Supreme Court pointed out as follows: A right, it correlates to a duty upon another individual that is employer, government or authority. The right of one is an obligation of another. Hence the right of a citizen to live under Article 21 casts obligation on the state. This obligation is further reinforced under Article 47, it is for the State to secure health to its citizen as its primary duty. The Supreme Court further pointed out in this case as follows:

“When we speak about a right, it correlates to a duty upon another, individual, employer, government or authority. In other words, the right of one is an obligation of another. Hence the right of a citizen to live under Article 21 casts obligation on the State. This obligation is further reinforced under Article 47, it is for the State to secure health to its citizen as its primary duty. No doubt the Government is rendering this obligation by opening government hospitals and health centres, but in order to make it meaningful, it has to be within the reach of its people, as far as possible, to reduce the queue of waiting lists, and it has to provide all

facilities for which an employee looks for at another hospital. Its upkeep, maintenance and cleanliness has to be beyond as person. To employ the best of talents and tone up its administration to give effective contribution. Also bring in awareness in welfare of hospital staff for their dedicated service, give them periodical, medico-ethical and service-oriented training, not only at the entry point but also during the whole tenure of their service. Since it is one of the most sacrosanct and valuable rights of a citizen and equally sacrosanct sacred obligation of the State, every citizen, of this welfare State looks towards the State for it to perform its this obligation with top priority including by way of allocation of sufficient funds. This is turn will not only secure the right of its citizen to the best of their satisfaction but in turn will benefit the State in achieving its social, political and economical goal. For every return there has to be investment. Investment needs resources and finances. So even to protect this sacrosanct right finances are an inherent requirement. Harnessing such resources needs top priority."

3. That being the position, this writ application is allowed and the authority is directed to pay the amount of Rs.34,774.19 p. within a period of one month from the date of receipt of this order, with interest @18% from 31.1.89. The petitioner also shall be paid a cost of Rs.2500/- heard Mr A. Roy, learned Sr. Advocate for the petitioner and Mr K.H. Choudhury, learned Addl. Sr. GA, Assam assisted by Mr B. Goswami, GA, Assam for the Respondents.

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1999(3) GLT 604
 (BEFORE N.C. JAIN, J.)
NATHUNI SINGH ... PETITIONER
-VS-
DEPUTY COMMISSIONER
& ANR. ... RESPONDENT

Criminal Revision Petition No. 338 of 1999

Decided on 21.5.1999

Assam Forest Regulation 1891, S. 51
— Power to confiscate a truck — When to be exercised — Only when a person convicted of forest offence, can an order of confiscation be passed — Power under S.51 can be exercised only when a person is held guilty of forest offence.

Advocates appeared for the Petitioner :

Mr. J.M. Choudhury and Mrs. R.T. Phukan.

Advocate appeared for the Respondents:

Mr. B. Banerjee.

JUDGMENT AND ORDER (ORAL)

N.C. JAIN, J.—

This revision petition has been filed by Nathuni Singh only against the order of the Deputy Commissioner, Karbi Anglong, Diphu dated 19.7.91. The case of the prosecution in brief was that on the night of 23.10.90 Forest staff caught red handed Truck No. NLN 1939 along with its driver Surendra Kumar Das and some labourers. Truck was alleged to have been loaded with six pieces of logs and was proceeding towards Dimapur in a clandestine manner through jungle route avoiding forest check. According to the case of the prosecution the logs were brought from Daldoli Reserve Forest. The said truck and logs were seized and the accused persons were arrested. The petitioner was admittedly not present and was summoned at a later stage, he being the owner of truck.

2. The learned trial Court after trial found only Surendra Kumar Das guilty of the offences under Section 25, 40/41 of the Assam Forest Regulation. The petitioner has admittedly not

(JN/PKT)