

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – OA 793 OF 2019

MADAN MOHAN GHOSH Vs The State of West Bengal & Ors.

| Serial No. and Date of order. 1 | Order of the Tribunal with signature 2 | Office action with date and dated signature of parties when necessary 3 |
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| <p>4</p> <hr/> <p>27.02.2020</p> | <p>For the Applicant : Mr. S. Majumder, Advocate</p> <p>For the Respondents: None</p> <p>In this application Madan Mohan Ghosh, the applicant has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“(a) An order do issue directing the concerned respondent authorities to forthwith release the medical expenditure of Soumya Ghosh dependent of Madan Mohan Ghosh who is a Joint B.D.O., Goghat, Hooghly.”</p> <p>It appears that the applicant's son, Soumya Ghosh met with an accident on 6th July, 2015. He injured his right eye. But after operation his condition did not improve. On 13th August, 2015 for better treatment he was taken to L.V. Prasad Eye Institute, Hyderabad. The applicant incurred certain expenditure for treatment and in this application the applicant has sought for post facto permission / approval for reimbursement of the</p> | |

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| | <p>expenditure made with regard to the treatment of Soumya Ghosh.</p> <p>Heard Mr. S. Majumder, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the State respondents.</p> <p>It appears that the applicant had written a letter dated 11th February, 2016 to the Deputy Secretary to the Government of West Bengal, Panchayat and Rural Development Department, with a prayer for post facto approval of expenditure regarding treatment at Hyderabad for his son. On 15th April, 2016, the application for post facto approval of treatment of Soumya Ghosh was rejected on the ground that there is no provision for such approval under the West Bengal Health Scheme, 2008 and no OPD treatment cost is admissible. A second application was made for post facto approval. The same was also rejected by a written intimation on 24th October, 2017, the relevant portion of which is as under:</p> <p style="text-align: center;">“With reference to his memo No.1018 dated 15.05.17 relating to a prayer of Shri Madan Mohan Ghosh, Jt. B.D.O., Goghat-I Development Block seeking post facto permission for treating his son at LVPEI, Hyderabad on 13.08.15, the undersigned is directed to say that the entire matter was taken up with the</p> | |

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| SCN. | <p>F.D. Medical Cell for the second time but the Technical member of WBHSA has regretted the prayer of reconsideration to accord post facto permission for treatment of his son outside the state for violation of Clause-14 of F.D. Notification No.7287-F dated 19/09/2008 and as there is no provision of post facto permission under the purview of extant Rules & Regulation of W.B.H.S.' 08 till date.”</p> <p>Since we find there is no rule or notification for post facto approval of treatment outside the State and as we find the notification No.7287-F dated 19th September, 2008 is not under challenge, no order can be passed on this application. Therefore, the application, being O.A. 793 of 2019, is disposed of.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p> | |