

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA 71 of 2021**

**Subal Majumder - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal,  
Learned Advocate.

15  
03.04.2024

For the State Respondents Mr. S.N. Ray,  
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction for reimbursement of his medical bill amounting to Rs. 1,38,457/- after setting aside the impugned Memo 1478 dated 09.04.2018. By this reference, the Joint Director of Health Services (Nutrition) to the Superintendent, District Hospital, Nadia had stated that the medical bills submitted by the applicant cannot be reimbursed as per opinion of the Finance Department. The Finance Department opined that his Enrolment Certificate was issued on 01.12.2010 enabling him to come under the purview of WBHS-2008 w.e.f. 01.01.2011.

Mrs. Agarwal, however, disagrees and refers to Memo 1383 dated 04.05.2011 by which Superintendent of the District Hospital had written to the Director of Health Services that the applicant comes under the WBHS-2008 w.e.f. 01.12.2010.

After hearing the submissions of the learned counsels and on examination of the records it is the finding of the Tribunal that the enrolment under the Enrolment Certificate of the applicant comes into effect from 01.01.2011. The relevant portion of the Finance Department

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opinion is as under :-

**“The question of re-imbusement of expenditure incurred by Shri Subal Majumder in connection with his own medical treatment for the period from 14.12.2010 to 24.12.2010 does not arise given the fact that his Enrolment Certificate had been issued on 01.12.2010 thus enabling him to come under the purview of the WBHS-2008 with effect from 01.11.2011.”**

From the above, it is clear that the Enrolment Certificate issued on 01.12.2010 enables the applicant to come under the purview of the Scheme w.e.f. 01.01.2011. The bills preferred for reimbursement are related to period from 14.12.2010 to 24.12.2010 were found inadmissible since at that point of time the applicant was not covered under WBHS-2008. The fact that the Superintendent of the Hospital had written to the Director of Health Services that the applicant is covered under the Scheme w.e.f. 01.12.2010 is not relevant because the Enrolment Certificate is the primary document by which the applicant was covered under the Scheme w.e.f. 01.01.2011.

Thus, finding no merit in this application. The application is disposed of without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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