

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 635 of 2023.

GOUTAM ROY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
22.02.2024

For the Applicant : None.

For the State Respondents : Mr. G.P. Banerjee,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned letter dated 10.07.2023. This impugned letter along with note of observation of West Bengal Health Scheme Authority was communicated to the legal counsel of the applicant on 10th July, 2023. Earlier the applicant had submitted number of medical bills for reimbursement but these were not accepted by the respondent authorities. Reason for non admissibility of these bills was bared on the advice of Technical Member of WBHSA. Such technical advise was based on opinion of experts who observed that the patients were suffering from “Neuropsychiatric disorder” and not “Neurological disorder”. Since Neuropsychiatric disorder does not come in the OPD diseases list as stipulated in the clause 7(i) of West Bengal Health Services, therefore treatment cost for Neuropsychiatric disorder was not reimbursable.

Disagreeing with the decision of the respondent authorities, the applicant and his counsel argued that Neuropsychiatric disorder disease is similar to Neurological disorder. Further, Neurological disorder means nervous system disorder which include a range of disorders including Neuropsychiatric disorder. Neuro-psychiatric disorder is a generic medical term that includes a broad range of medical condition of both neurology and psychiatry. Without neurological disorder, neuro

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psychiatric disorder cannot be developed.

Since the issue involved here is an exclusive domain of medical speciality, the Tribunal shies away from interfering and commenting on this matter. However, the only observation the Tribunal can make is if the respondent authorities may like to consider inclusion of Neuropsychiatric disease as a disease it is for the respondent authorities to decide the issue since in clause 7 of W.B.H.S. Neurological disorder is listed , then perhaps, prayers of such applicant can be considered. However, this is the discretion of the respondent authorities to take a final decision in this regard.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.