

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 163 of 2015.

DIPENDRA CHANDRA GHOSH – VS- THE STATE OF W.B. & 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
<p>16 12.9.2018.</p>	<p>For the Applicant : Mrs. M. Roy Chowdhury, Advocate.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>In this application, the applicant, a Sub-Inspector in the West Bengal Police, who had superannuated at the time of filing the application, has prayed for a direction upon the respondents to release an amount of Rs. 1,06,335.60 towards medical reimbursement of his wife as claimed by him and to grant interest.</p> <p>Mrs. M. Roy Chowdhury, learned advocate for the applicant, relying on the statements made in the application as well as in the rejoinder, submits that earlier the applicant had moved an application which was disposed on 24th April,2013 by granting liberty to the applicant to file a fresh application in the appropriate proforma before the Superintendent of Police, Howrah Rural , District - Howrah . Consequently, the applicant had submitted the proforma. However the claim was turned down. Submission is that though the</p>	

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	<p>Superintendent of Police, Howrah Rural, Howrah had recommended the case for reconsidering the matter on humanitarian ground, however, the applicant was informed that in the absence of any specific rule under W.B.H.S., 2008 regarding treatment outside the State without prior approval, it cannot be granted. Submission is as there is no doubt that the wife of the applicant had undergone treatment at Vellore and as it is evident, the Superintendent of Police, Howrah Rural, Howrah had requested the authority to consider the matter on humanitarian ground, appropriate order may be passed.</p> <p>Mr. M.N. Roy, learned advocate for the state respondent referring to the Memo dated 28th February, 2012 issued by the Deputy Secretary to the Government of West Bengal submits that as the treatment was done without any prior approval of the department, the amount was not sanctioned.</p> <p>Heard learned advocates for the parties. Evidently there is no dispute as noticed from the submission made by the learned advocates for the parties that the wife of the applicant had undergone treatment at Vellore when the applicant was in service. The Superintendent of Police, Howrah Rural, Howrah had</p>	

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Skg.	<p>requested the authorities to consider the matter on humanitarian ground. Since the wife of the applicant had undergone treatment and as the issue needs to be considered from humanitarian angle, though office order speaks for prior approval, in our view this application should succeed.</p> <p>Hence the Superintendent of Police, Howrah Rural, District – Howrah and the Finance Secretary, Government of West Bengal – respondent no. 4 and 5a respectively are directed to release the amount of Rs. 1,06,335.60 towards reimbursement of the medical bill of the wife of the applicant within six weeks from the date of presentation of a copy of this order after verifying the records. However, it is made clear that no interest will be granted. This order will not be taken as a precedent. The application is disposed of.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	

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