

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

Hon'ble Justice Soumitra Pal,
Hon'ble Mr. P. Ramesh Kumar,

Hon'ble Chairman &
Administrative Member.

Case No. OA 175 of 2019.

MRIGANKA CHOWDHURY – VERSUS- 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
<p>8 29.8.2019.</p>	<p>For the Applicant : Mr. S. Ghosh, Mr. R.K. Mondal, Advocates.</p> <p>For the State respondents : Mrs. S. Agarwal, Advocate.</p> <p>In this application the applicant, a “<i>Work Charged Employee</i>” under the Government of West Bengal since June, 1980, has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p>a)“...An order do issue thereby directing the respondent authorities to disburse the medical expenses so incurred by the applicant for his treatment at AMRI Hospital for an amount of Rs. 2,08,792/- (Rupees two lakhs eight thousand seven hundred and ninety two) only out of total claim Rs.2,57,345/- (Rupees two lakhs fifty seven thousand three hundred and forty five) only forthwith without any further delay and within a stipulated time period as the applicant is suffering from acute exacerbation of COPD.</p> <p>b)A further order to issue directing the concerned respondent authorities to reimburse the</p>	

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	<p><i>medical bills and vouchers under the West Bengal Health Scheme, 2008 in connection with the treatment availed by your applicant within a time period.</i></p> <p><i>c)A order do issue directing the respondent authorities to reimburse the medical bills and vouchers @ 8% per annum till the date of actual realization of the same....”.</i></p> <p>The matter was admitted and reply and rejoinder have been exchanged and are on record.</p> <p>It is submitted by Mr. S. Ghosh, learned advocate that as the respondents had enrolled the applicant under the “<i>West Bengal Health for all employees and pensioners cashless medical treatment scheme, 2014</i>”, as evident from page 9 of the original application, and had entered into a contract and had deducted premium regularly, the respondent may be directed to reimburse the medical expenses of Rs. 2,08,792/- out of a total claim of Rs. 2,57,345/- for treatment within a stipulated period. Referring to the notification dated 7th April, 2017, annexed to the rejoinder, it is submitted that at present all existing staff</p>	

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	<p>member of work charged establishment under the Public Works Department, Government of West Bengal, have been included under the West Bengal Health Scheme.</p> <p>Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents relying on the reply submits that by mistake the applicant was enrolled under the scheme as evident from the intimation dated 8th March, 2019 issued by the Joint Secretary, Finance Department, Medical cell, being annexure R to the reply, and accordingly the department has been directed to request the employee to reimburse the amount directly to the hospital concerned.</p> <p>Heard learned advocates for the parties.</p> <p>Admittedly, the employee is a “<i>work charged employee</i>” under the Government of West Bengal. He was enrolled under the “<i>West Bengal Health for all employees and pensioners cashless medical treatment Scheme, 2014</i>”. Accordingly certificate for enrolment was issued, necessary formalities were complied with and contract was entered into between the employee and the department and the employee</p>	

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	<p>continued to deposit the premiums. Since admittedly the applicant, though erroneously, was enrolled under the said cashless scheme and he has paid premiums, the stand taken by the respondents cannot be said to be just and proper. Hence, for the reasons as aforesaid, the Executive Engineer, Bidhannagar Municipal Services Division – the respondent no. 3 is directed to ignore the instruction dated 8th March, 2019 and shall scrutinise the bills and shall reimburse the amount out of the total claim of Rs. 2,57,345/- within eight weeks from the date of presentation of a certified copy of this order. However as the applicant in the rejoinder has stated “...Your applicant states that as his Status in service is “Work Charged Employee” and not a “Government Employee under regular establishment”, he shall not claim the status of “Government Employee under Regular Establishment” in near future and shall be entitled to the service benefits as well as retiral benefits as “Work Charged Employees”, as similarly circumstanced “Work Charged Employees” are receiving from their parent departments....”, in the peculiar facts and circumstances</p>	

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Skg.	<p>of the case, though direction has been issued for reimbursement of the amount, he will not be granted the status of a Government employee and shall be entitled to service benefits of a worked charged employee which are being enjoyed by the other similarly situated employees. The application is allowed.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	