

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 594 of 2018.

GYATRI PAUL – VERSUS- THE STATE OF W.B. & OTHERS.

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 5.9.2019.</p>	<p>For the Applicant : Mr. M.K. Putatunda, Advocate.</p> <p>For the State Respondent : Mrs. M. Mallick, Advocate.</p> <p>In this application the applicant, Gyatri Paul- wife of late Amarendra Paul, who was a Supervisor at ITI, Howrah,- has prayed for reimbursement of medical bills of Rs. 4,75,482/- due since 2010, as dependent of the employee, to which she is entitled to in terms of West Bengal Health Scheme, 2008 along with interest. Referring to the reply it is submitted by Mr. M.K. Putatunda, learned advocate for the applicant that since the applicant is a type-2 diabetic patient and as the letter dated 24th December, 2018 issued does not reflect clearly under which head it has been rejected as it merely refers to CL-7(1) of W.B.H.S., appropriate order may be passed after setting aside the said intimation dated 24th December, 2018.</p> <p>Ms. M. Mallick, learned advocate appearing on behalf of the State respondent referring to the reply submits that already a sum of Rs. 95,018/- has been reimbursed and the order of rejection dated 24th</p>	

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	<p>December, 2018 is just and proper.</p> <p>Heard learned advocates for the parties. It appears that the prayer of the applicant for reimbursement has been regretted by intimation dated 24th December, 2018, the relevant portion of which is as under :-</p> <p style="text-align: right;"><i>“.....Dated : 24/12/2018</i></p> <p style="text-align: center;"><i>From : Shri P.K. Basak Deputy Secretary to the Government of West Bengal To :The Asstt. D.I.T.(H.O.) W.B. Sub :Medical reimbursement claim under W.B.H.S. 2008 in favour of Sri Gayatri Paul, Family Pensioner of ITI Howrah Homes.</i></p> <p><i>The undersigned is directed to refer to his Letter no. 8M-2/H.H./Pt.-7/14/1555(1) dated 27.8.2018. on the above noted subject and to inform him that the medical reimbursement claim of Smt. Gayatri Paul, Family pensioner of ITI Howrah Homes, are <u>regretted under the purview of CL-7(1) of W.B.H.S.</u></i></p> <p><i>The claim of Smt. Paul, Family pensioner of ITI Howrah Homes, is returned herewith in original.</i></p> <p style="text-align: center;"><i>Deputy Secretary to the Government of West Bengal..”.</i> (Emphasis supplied)</p>	

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	<p>Clause 7(1) of the West Bengal Health Scheme, 2008 is as under :-</p> <p><i>“....7. Medical attendance and treatment as an OPD (Out-patient Department) patient in a hospital –</i></p> <p>(1) <i>An employee shall be entitled to reimbursement of the cost of his or his beneficiary’s medical attendance and treatment as an OPD patient in a hospital or institution in the following cases :-</i></p> <p><i>i)Malignant diseases,</i></p> <p><i>ii)Tuberculosis,</i></p> <p><i>iii)Hepatitis B/C and other liver diseases,</i></p> <p><i>iv)Insulin-dependant diabetes,</i></p> <p><i>v)Heart diseases,</i></p> <p><i>vi)Neurological disorders/Cerebrovascular disorders,</i></p> <p><i>vii)Malignant malaria,</i></p> <p><i>viii)Renal failure,</i></p> <p><i>ix)Thallasaemia/Bleeding orders/Platelet disorders,</i></p> <p><i>x)Injuries caused by accidents...”.</i></p> <p>(Emphasis supplied)</p> <p>It is evident from the order dated 24th December, 2018 that it has been regretted under “CL-7(1)” of West Bengal Health Scheme. It does not</p>	

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Skg.	<p>specifically refer to under which sub-head the claim has been considered and rejected. Therefore, the intimation dated 24th December, 2018 cannot be sustained and is thus set aside and quashed. Hence, the application is allowed. The Secretary, Department of Technical Education and Skill Development, – the respondent no. 1, is directed to consider the matter afresh and shall pass a reasoned order, to be communicated to the parties, regarding reimbursement of the bills after scrutinising the records, bills and other documents within twelve weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing to the applicant or to her son Ayon Kumar Paul, who has verified the original application.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	