



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 30TH DAY OF MAY, 2024

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT PETITION NO.207267 OF 2014 (L-KSRTC)

BETWEEN:

SRI. RAMAKRISHNA S/O INDRAJIT RAO PANCHAR
AGED ABOUT 35 YEARS, OCC : DRIVER CUM
CONDUCTOR, BADGE NO.160 NEKRTC,
BHALKI DEPOT,
BHALKI,
DIST. BIDAR-585401.

...PETITIONER

(BY SRI G. G. CHAGASHETTI, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
NEKRTC GULBARGA-585101.
2. THE CHIEF LABOUR & WELFARE OFFICER
NEKRTC GULBARGA,
DIST. GULBARGA-585101.
3. THE DIVISIONAL CONTROLLER
NEKRTC BIDAR DIVISION,
DIST. BIDAR-585401.

...RESPONDENTS

(BY SRI DEEPAK V. BARAD, ADVOCATE FOR R1 TO R3)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI AND TO QUASH THE IMPUGNED LETTER / ORDER DATED 15.10.2014 ISSUED BY THE 2ND RESPONDENT IN NO. EKASA / KEKA KAE / 73 / 2014 PRODUCED AT ANNEXURE - F. ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT CORPORATION TO RELEASE THE MEDICAL BILL OF RS.1,36,266/- INCURRED BY THE PETITIONER FOR OPEN HEART SURGERY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING B GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned counsel for both the parties.

2. This writ petition is filed seeking the following reliefs:-

I. Issue a writ of certiorari and to quash the impugned letter / order dated 15.10.2014 issued by the 2nd respondent in No.Ekasa/Keka/KaE/73/2014 produced at Annexure-F.

II. Issue a writ in the nature of mandamus directing the respondent - corporation to release the Medical Bill of Rs.1,36,266/-



incurred by the petitioner for open heart Surgery.

3. The brief facts of the case are that the petitioner has been working as a driver – cum – conductor in NEKSRTC, at Bhalki. He was suffering from heart disease. Initially he had taken treatment at Mayura Hospital, at Bhalki. Thereafter, he was advised to go to the higher medical centre. He was admitted in the Gurunanak Hospital, at Bidar. As per the advise of his doctor in Gurunanak Hospital, at Bidar and consideration of seriousness of the decease, he got admitted in Narayana Hrudayalaya, Hospital, at Hyderabad. He underwent open heart surgery in the said Hospital. Total bill of the hospital including the medicine was Rs.1,36,266/-. The petitioner had submitted the said medical reimbursement claim before the respondent in the prescribed format. His claim was rejected by the employer vide letter dated 15.10.2014 vide Annexure-F. He made a representation for payment of the same. However, the same was rejected. Challenging



the same, he filed this writ petition praying to issue writ of mandamus for release of the medical bill of Rs.1,36,266/-.

4. The main contention of the respondents is that as per the circulars/Regulations of the KSRTC, the employees are not entitled for reimbursement if they had taken treatment in the Hospital situated out of the State of Karnataka.

5. The learned counsel for the respondents has produced letters dated 28.03.2019, 26.03.2019 and proceedings of the meeting dated 26.03.2019 constituted by the Corporation for consideration of reimbursement of medical expenses of the petitioner herein as a special case.

6. It is not the case of respondents that petitioner is not eligible for the medical reimbursement benefit. The claim of petitioner for reimbursement of the amount was rejected only on the ground that he had taken treatment in the hospital, which is situated out of the State. The said



contention is not tenable. If the suitable treatment is not available in the State or if it is not nearer to the place of residence of an employee, he may avail said benefit out of the State. Human life is more precious than money. If an employee gets reimbursement of medical bill, if he had taken treatment in the hospital situated at the State then there is hindrance for the employer to allow the same benefit, if treatment is taken out of the State due to emergency. There is no logic behind denial of such benefit. Some times delay in taking the treatment, may cause irreparable loss. Under such circumstances, the respondent-Corporation has to consider or make a provision of relaxation of the Rules in special cases.

7. During pendency of this petition, the Corporation has considered the case of the petitioner as special case and relaxed the Rules subject to certain conditions.

8. In the Circular No.1464 dated 07.05.2012 such provision is mentioned. However, respondents did not



follow the same and considered the case of the petitioner and forced him to approach this Court. In view of the circular referred supra and decision taken by the respondents-Corporation vide letters dated 28.03.2019, 26.03.2019 and proceedings of the meeting dated 26.03.2019, Rule is relaxed in favour of the petitioner as a special case and decided to pay his claim in accordance with rules.

9. The respondent-Corporation as a special case have considered the claim of the petitioner and relaxed the Rules. In view of the said facts and circumstances of this case, direction issued in this case cannot be considered as binding precedent in other cases of medical reimbursement.

10. In view of the above said reasons, the petition deserves to be allowed. Accordingly, I pass the following:

ORDER

- (i) Writ petition is allowed.



- (ii) Respondent No.3 is directed to favorably consider the medical reimbursement claim of petitioner as prayed in this writ petition and pay the eligible amount in accordance with rule, within a period of six weeks.

Sd/-
JUDGE

KJJ/SDU
List No.: 1 Sl No.: 20
CT:PK