
Ram Awatar Gupta Vs State of Rajasthan and Others

Civil Writ Petition No. 1463 of 1995

Court: Rajasthan High Court (Jaipur Bench)

Date of Decision: April 25, 1995

Citation: (1995) 2 RLW 636 : (1995) 3 WLC 590 : (1995) 2 WLN 529

Hon'ble Judges: N.C. Kochhar, J

Bench: Single Bench

Judgement

N.C. Kochhar, J.

The petitioner is working as Male Nurse Gr.II at Primary Health Centre, Sirsi District Jaipur. His wife Smt. Mithlesh

Gupta fell sick and was examined by Dr. Hemant Malhotra, who was of the view that she was suffering from Chronic Myeloid Leukemia disease

and was advised for being given injection Interferon A Chemotherapy which was essential for treatment. The injections are very costly and the

petitioner sent a letter to the Chief Medical and Health Officer for giving him advance amount for the purpose of purchasing the injections

abovesaid and other medicines which are essential for the treatment of his wife as advised by the treating doctor. On receipt of the said letter, the

Medical and Health Department of the State of Rajasthan (the respondent No. 1) wrote to the Financial Advisor of the department vide letter

dated 8.11.1994 (Annx. 1) to forward the opinion of the medical board along with the letter sent by the petitioner. Vide order dated 9.12.1994

medical board consisting of Dr. Kunal Kothari, Professor of Medicine, Dr. Hemant Malhotra, Assistant Professor of Medicine and Dr. Sandeep

Jain, Assistant Professor of R. Therapy was constituted and after examination the members of the board opined that the wife of the petitioner was

suffering from Chronic Myeloid Leukemia (CML) and recommended that she should receive injections Interferon A Chemotherapy and the cost of

such treatment is approximately Rs. 20000/- per month and the treatment was to be continued at least for 12 months. After receipt of this opinion,

the petitioner's wife was referred to the All India Institute of Medical Sciences, New Delhi (the Institute) for opinion and guidance for her

treatment by the Principal of the SMS Medical College, Jaipur (respondent No. 2) and vide letter dated 5.1.1995 (Annx. 5) the information was

forwarded by the Institute with the recommendations that the matter be referred to the Tata Memorial Hospital, Bombay and, in the meanwhile,

the treatment should be continued at Jaipur and the interferon treatment would cost Rs. 2 to 2.40 lakhs for a year. The wife of the petitioner was

taken to the Tata Memorial Hospital in Bombay, who vide letter dated 8.2.1995 (Annx. 6) wrote to the respondent No. 2 that it was diagnosed

that the wife of the petitioner was suffering from Chronic Myeloid Leukemia and it was recommended that she should be given injections Intron 3

million units so daily for six months. Another medical Board consisting of Dr. V.S. Baldwa, Professor and Head of the Department of Medicine,

Dr. P.K. Wanchoo, Professor and Head of Department of Surgery and Dr. Nilima Dhar, Professor and Head of Department of Pathology was

constituted vide order dated 16.2.1995 (Annx. 9) and the Board submitted its report (Annx. 10) recommending that wife of the petitioner should

be administered injections Interferon A Chemotherapy and the cost thereof was approximately Rs. 2,36,880/- for her treatment for six months

which was the minimum period of treatment according to the opinion of the medical Board. Thereafter, correspondence has continued but no

amount has been sanctioned to the petitioner, who is entitled to free medical treatment in accordance with the Rajasthan Civil Services (Medical

Attendance) Rules, 1958. The petitioner finding no way out, has approached this Court by filing this writ petition.

2. The notice of the writ petition was served on the respondents, but no reply has been filed.

3. The facts mentioned above show that the wife of the petitioner has been ailing from serious disease and lot of expenditure is required to be made

for her treatment and further that the petitioner is entitled to get that treatment free of cost. According to the reports of the various medical experts

including the two medical Boards constituted, the treatment would be costing about Rs. 2,40,000/-. Considering the financial position of the

petitioner, who is only a Male Nurse Gr.II, it is necessary that the advance amount be given to him to meet the expenses of the treatment of his

wife and if no immediate steps are taken, the entire purpose of the treatment would be defeated. It is surprising that the authorities, in spite of the

opinions of the experts and the Medical Boards and of the Institute of All India Medical Science, New Delhi and the Tata Memorial Hospital,

Bombay, have not cared to provide the advance amount for meeting the expenses of the treatment of the wife of the petitioner.

4. In my view, the matter cannot be allowed to be delayed any further and consequently, while allowing the writ petition, it is directed that the

respondent No. 1 should immediately and not later than a week from today make available to the petitioner a sum of Rs. 2,40,000/- (Rupees two

lakhs forty thousand only) by way of advance for meeting the expenses of treatment of his wife- Smt. Mithlesh Gupta. Since the matter, which

required urgent attention, has been delayed and the petitioner had to approach this Court because of the inaction on the part of the authorities

concerned, it is directed that the respondent No. 1 should also pay to the petitioner a sum of Rs. 5,000/- by way of costs of and incidental to this

writ petition.

5. A copy of this order should immediately be given to the petitioner. Miss Deepa Ajwani, Advocate for the Medical department, should also

communicate this fact to the Secretary of the respondent No. 1 without any delay today itself.

6. The writ petition stands disposed of accordingly.