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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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RSA-1623-2004 (O&M)
Date of Decision :03.10.2024

State of Punjab Appellant

Versus

Rajpal Singh and Another Respondents

RSA-1624-2004 (O&M)
Date of Decision : 03.10.2024

State of Punjab Appellant

Versus

Rajpal Singh and Another Respondents

CORAM : HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr.Maninder Singh, Sr. DAG, Punjab
for the appellant(s).

Ms. Nishita Garg, Advocate and Mr. Adish Jain, Advocate
for the respondents.

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SUDEEPTI SHARMA, J.

1. The State of Punjab has preferred two appeals against the same judgments and decrees dated 26.08.2002 and 12.12.2003 passed by both the Courts below whereby the claim of the respondents for medical reimbursement was allowed. Both the appeals are decided by common judgment.



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2. Brief facts of the case as mentioned before the Additional Civil Judge (Senior Division), Faridkot in suit for declaration are as under:-

“The plaintiff Pyara Singh has filed the present suit against the defendants for declaration to the effect that plaintiff is entitled to recover an amount of Rupees four lacs on account of reimbursement of his medical bills and expenses for treatment, diet, transport and attendant charges etc. alongwith interest at the rate of 24% per annum from the date of submitting the bill till realisation with consequential relief in the shape of mandatory injunction directing the defendants to make the payment of abovesaid amount of Rupees 4,00,000/- alongwith interest at the rate of 24% per annum from the date of submitting the medical bills and other bills till its realisation. The plaintiff has alleged that he was working as Officer in Punjab Govt. and was posted as Soil Testing Officer in Punjab Agriculture Department at Faridkot as regular permanent employee and he has retired from his service on 31-7-1999 (Afternoon). The plaintiff has further alleged that he is suffering from a very serious disease of Rheumatic Heart Disease and right side effusion, Fost MVR infective Hepatitis, Right side Stockes and Multi Cl.right side etc. The plaintiff has further alleged that he had to get himself treated for the abovesaid



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diseases from expert Doctors/Institutions from Amritsar and Delhi, for which he had to spend more than Rupees Four Lacs upon it and he has further alleged that he is entitled for the re-imburement of the entire amount of medical expenses and other expenses for treatment, diet, transport and attendant charges etc. incurred by him on his treatment for the aforesaid diseases at 'Ram Saran Dass Charitable Trust Hospital', Amritsar and at 'Escort Heart Institute and Research Centre', New Delhi and at Faridkot etc. The plaintiff has further alleged that the expenses incurred by him have come to about Rupees four lacs and for this purpose the detailed medical bills for the re-imburement had been submitted to the Punjab Agricultural Department and Annexure 'A' of the said bill is attached with the plaint. The plaintiff has further alleged that he has also been given ex-post facto sanction by the Civil Surgeon, Faridkot for his treatment taken and the plaintiff got his treatment for the aforesaid diseases during his service period i.e. before his retirement. The plaintiff has further alleged that defendants have not made the re-imburement of the medical bills and other expenses worth Rupees to lacs to which the plaintiff is fully entitled and the defendants have withheld the re-imburement without any reasons. The plaintiff has further



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alleged that he requested the defendants for so many times to make the re-imbursement of medical bills submitted by the plaintiff through representations but to no effect. The plaintiff has further alleged that notice under section 80 C.P.C. was also served upon the defendants with a request to make the re-imbursement of medical bills, but it was of no effect, which has given rise to the cause of action. Therefore, civil suit was filed by the plaintiff/respondent.”

3. From the pleadings of the parties, following issues were framed:-

1. *Whether the plaintiff is entitled to the declaration as prayed for?OPP.*

2. *Relief.”*

4. The reply was filed by the appellant-State of Punjab to the same and the learned trial Court after hearing both the parties and considering the evidence and documents on record partly allowed the suit of the respondent. Since suit was partly decreed and the respondent/plaintiff was held entitled to recover the amount of Rs.1,12,784.20p alongwith interest at the rate of 10 % per annum from the institution of the suit, till its realization. Therefore, both the appellant-State of Punjab and respondents filed an appeal against the judgment and decree dated 26.08.2002. The appellant/State challenged the decree on the ground that the respondent was not entitled to medical reimbursement and for dismissing of the suit of the respondent whereas the respondent challenged the judgment and decree



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dated 26.08.2002 passed by the learned Additional Civil Judge (Senior Division), Faridkot before the First Appellate Authority on the ground that the suit was not decreed in toto. The appeals were decided in favour of the respondent/plaintiff and against the State of Punjab. Hence the present appeals.

SUBMISSIONS OF THE COUNSELS FOR THE PARTIES

5. Learned counsel for the appellant-State of Punjab contends that the learned trial Court has wrongly held the respondent/plaintiff entitled to the medical reimbursement and both the Courts below have not taken into consideration the evidence on record in correct perspective.

6. Per contra learned counsel for the respondent submits that the suit for declaration has rightly been decided and there is no infirmity in the judgments and decrees passed by the Courts below. He further contends that since there are concurrent findings against the appellant/State, therefore, the appeals are liable to be dismissed.

7. I have heard learned counsel for the parties and perused the whole record of this case.

8. Relevant portion of the judgment and decree passed by the learned Additional District Judge, Faridkot dated 12.12.2003 is reproduced hereunder: -

“9. The only point argued by the learned counsel for the appellant i.e. L.Rs of Piara Singh is that the learned trial court has held that the appellant-plaintiff is entitled to recover an amount of Rs.1,12,784-20 paise alongwith interest at the rate of



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Rs.10% per annum from the date of institution of the suit till realization. It is argued that from the evidence available on file and the pleadings of the respondents-defendants, it is evident that the predecessor-in-interest of appellant filed the suit for the recovery of Rs. 4,00,000/- on account of reimbursement of his medical bills, expenses for treatment diet, transport and attendant etc. alongwith interest at the rate of 24% per annum. It is argued that the defendants-respondents in the written statement in para No. 3 on merits has pleaded that the plaintiff did not submit the bills of Rs.4,00,000/-. It is further pleaded that he has submitted the medical bills of Rs.3, 20,019/-only. Medical bills worth Rs.2,78,339.22 paise were verified by Civil Surgeon, Faridkot and sent to Director, Health & Family Welfare Punjab, Chandigarh for scrutiny. It is argued that the learned trial court has only granted the relief with regard to the medical bills worth Rs.2,78,399-22 paise but the learned trial court has not granted the relief of Rs.3,20,019/-. It is also argued that there is no evidence on behalf of respondents-defendants that as to why the remaining amount has not been sanctioned for payment to the appellant or their predecessor-in-interest. It is further argued that the predecessor-in-interest of appellant have placed on record the details of the claim of



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medical bills which is Ex.P97. Item No.1 to item No.8 are with regard to the expenses spent on the treatment of Piara Singh and if the amount of these items from serial No.1 to 8 are calculated then it comes to Rs.3,20,019/- and no reason has been given by the learned trial court as to why the claim of Piara Singh has been rejected with regard to the balance amount from Rs.3,20,019/- and has been adjudged Rs.2,78,339-22 paise. It is pointed out that the appellant-plaintiff has examined (PW5) Dalip Singh. Senior Assistant who is Departmental witness and this witness has also specifically given the details of the bills received from Piara Singh deceased for medical reimbursement. PW.2 Vijender Gogna Senior Manager Finance Escort Heart Institution & Research Centre Delhi has proved documents Ex.P1 to Ex.P85. It is further pointed out that respondents-defendants have examined Preet Mohinder Singh, Chief Agricultural Officer as DW1 and this witness has also admitted in his examination-in-chief that medical bills amounting to Rs.3,20,019/- were received from Piara Singh deceased and out of which bill for Rs.2,78,339-22 paise was attested by Civil Surgeon, Faridkot. It is argued that this witness has not given any reason as to why the bill for remaining amount has not been passed. This witness has



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further stated that the sanction for an amount of Rs.1,46,997/- were received from Director Health Service, Punjab, Chandigarh and another sanction for Rs.18,558/- were also received from the Director Health Services vide Ex.D1 to Ex.D3 and the payment of the amount of Rs.1,65,555/- was made to Piara Singh deceased. It is thus, argued that the learned trial court has not appreciated the evidence available on file and has not granted the relief of the remaining amount. So, the findings of the learned trial court to this effect are liable to be set aside and the appellant-plaintiff is entitled to the relief of Rs.3,20,019/-.

10. It is further argued that the learned trial Court has granted interest from the date of institution of the suit till realization and that too at the rate of Rs.10/-% per annum. It is argued that the appellant is entitled to the interest from the date of submission of the bills till realization at the rate of 24% per annum. It is argued that the Hon'ble High Court has held that reimbursement of amount of treatment cannot be declined because the patient cannot be deprived of his re-imburement because failed to obtain certificate. In support of his contention, learned counsel for the appellant has relied upon 1999 (4)



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RSJ634 Smt.SudershanVersus State of Haryana and others
wherein it was held as under:-

*"Constitution of India, Articles 226 and 227-
Medical reimbursement-Husband of petitioner suffering from
ailment of renal failure- Examined at PGI, MS Rohtak and
referred to AIIMS for treatment as dialysis facility not available
there- AIIMS referred him to some other centre in view of
paucity of the space in AIIMS for regular dial dialysis-The
patient got treatment from Sir Ganga Ram Hospital New Delhi-
Reimbursement of the amount of treatment declined-Plea taken
that Sir Ganga Ram Hospital not a recognised medical
institution of State of Haryana. The State require the patient to
obtain no objection certificate from AIIMS and its liability to
give treatment to the patient-It cannot deprive the patient of his
re-imburement-The respondents directed to make the payment
of the bills submitted by the petitioner or her husband."*

*It is argued that the Hon'ble Punjab & Haryana High
Court has granted interest at the rate of 12% per annum. In
support of his contention, learned counsel for the appellant has
relied upon 1995(2) Recent Services Judgments 307 Tara Singh
Cheema Versus State of Punjab wherein it was held as under:-*



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"Constitution of India, Article 14-Punjab Services (Medical Attendance) Rules 1940, Rule 7-Medical reimbursement-Claim not decided for 13 years- Directions issued to reimburse the amount with Compound interest 12%."

11. On the other hand, learned Govt. Pleader on behalf of respondent-Punjab State has argued that the learned trial court has erred in decreeing the suit of the appellant-plaintiff granting the appellant the amount more than the amount of Rs.1,65,555/- which was sanctioned by the Director Health and Family Welfare Punjab, Chandigarh. It is argued that Piara Singh was not entitled to the amount more than the amount which has been paid to him. The learned trial court has erred in passing the decree for the recovery of Rs.2,78,339-20 paise in all and for balance amount of Rs.1,12,784-20 paise. It is argued that the appellant was not entitled to any other amount which has already been awarded or sanctioned by the Punjab Govt. It is further argued that the learned trial court has also awarded interest at the rate of Rs.10% per annum which is also on the higher side and the appellant is not entitled to the interest because there is no delay on the part of the Government. As and when the Sanction has been received, the payment has been made to the appellant. It is thus argued that



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the findings of the learned trial court on this issue are also liable to be set aside.

12. I have considered the above submissions made on behalf of both the parties and have also gone through the evidence on file. Admittedly, deceased Piara Singh had submitted the reimbursement bills amounting to Rs.3,20,019/-. The respondent-Punjab Govt. has sanctioned the bill for Rs.1,46,997/- as approved by the Director Health and Family Welfare Punjab, Chandigarh and another bill for Rs.18,558/- out of the above said amount of the bills. In all, the Punjab Government has passed the bill for Rs.1,65,555/- out of the bills submitted by Piara Singh deceased for Rs.3,20,019/-. However, the argument of the learned Govt. Pleader is tenable that Piara Singh has submitted the bills claiming the expenses of attendant for staying in Delhi and transport charges from Faridkot to Amritsar and back from Amritsar to Faridkot as mentioned in Ex.P97 from serial No.9 to serial No.13. No reason has been given by the Punjab State or any of the witnesses that as to why the claim of Piara Singh deceased has been decreased from the amount of Rs.3,20,019/- to Rs.165555/-. The amount of Rs.3,20,019/- is shown as spent on treatment in Ex.P97 in the item from serial No.1 to serial No.8. Learned trial court has



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held that the plaintiff has purchased these medicines according to the rates as stated in the bills and it is also established on record and admitted by the respondents that the medicines were purchased. It is also observed by the learned trial court that the respondents-defendants have not been able to show that as to how they have reduced the rates and amount of the bills duly proved, by the appellant-plaintiff. The learned trial court has not calculated the amount of item from serial No.1 to serial No.8 shown in Ex.P9 which comes to Rs.3,20,019/-. It has taken the amount as Rs.2,78,339/-. There is a clerical mistake in calculating this amount. The actual amount for these items for purchase of medicines is shown in the bills Ex.P10 to Ex.P15, Ex.P17, Ex.P22 to Ex.P26 and the bills proved by PW2 are Ex.P18, Ex.P29, Ex.P31, Ex.P33, Ex.P35, Ex.P37, Ex.P39, Ex.P41, Ex.P43, Ex.P45, Ex.P47, Ex.P49, Ex.P51, Ex.P53, Ex.P55, Ex P57, Ex.P59, Ex.P61 and Ex.P63. These bills have been authenticated by the hospital vide documents Ex.P19, Ex.P20, Ex.P32, Ex.P34, Ex.P28, Ex. P36, Ex.P38, Ex.P40, Ex.P42, Ex.P44 Ex.P48, Ex.P50, Ex.P52, Ex.P54, Ex.P56, Ex.P58, Ex.P62 and Ex.P64. Similarly, PW 3 Gardyal Mehta Manager, Ram Saran Dass Koshori Lal Charitable Trust Hospital Amritsar has proved the receipts and bills Ex.P66 to



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Ex.P79 and also Ex.P80 to Ex.P82. Thus all the bills have been proved. The respondents-defendants Punjab State has not shown as to how the amount has been reduced from Rs.3,00,019/- to Rs.1,65,555/-. It has not been shown as to why this amount was reduced or that any excess amount has been claimed. No evidence has been led by the Punjab State- Respondents that any excess amount was claimed by the appellant or that any such item has been claimed in the bill which was not reimbursable. Only the amount which has been claimed by the plaintiff as expenses for stay of the attendant were not be granted to the plaintiff and these are mentioned at serial No.9 to serial No.13 in Ex.P97. I, therefore, hold that the appellant is entitled to recover an amount of Rs.3,20,019/- and not only Rs.1,65,555/- which has been awarded by the Punjab State- respondents or held by the trial court to the tune of Rs.2,78,339/-. I, therefore, hold that the findings of the learned trial court on this issue are to be set aside to this effect and the appellant is entitled to the declaration that the appellant is entitled to recover an amount of Rs.1,34,664/- because the amount of Rs.1,65,555/- has already been paid on account of re-imbursement of medical bills and treatment of Piara Singh, as making the total of reimbursement of Rs.3,20,019/- in all.



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13. *However, I find no merit in the argument of the learned counsel for the appellant that the appellant is entitled to interest from the date of submissions of the bills because the bills are to be scrutinized and the sanction is to be accorded by the Director Health and Family Welfare, Punjab, Chandigarh. The reasonable time has been taken by the department. Moreover the court is to give interest from date of filing the suit. The rate of interest is also adequate. Earlier the rate of interest of the Banks was on the higher side. The learned trial court has rightly held that the appellant is entitled to the interest at the rate of Rs.10% per annum from the date of institution of the suit till realization. With this modification on this issue, the findings of the learned trial court are affirmed.*

14. *No other point has been raised before me at the time of arguments.*

15. *In view of my above detailed discussion, the appeal filed by L.Rs of Piara Singh (who is now deceased) stands accepted and he is held entitled to recover an amount of Rs.1,34,464/- because the amount of Rs.16,555/- has already been paid on account of reimbursement of medical bills and treatment of Piara Singh deceased. However, the appeal filed Punjab State fails and the same is hereby dismissed. The parties are left to*



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bear their own costs in both the appeals. Decree sheets be prepared separately in both the appeals. A copy of this judgment be placed on the appeal file titled Punjab State Vs. Piara Singh. Lower court record be returned. Appeal file be consigned to the record room.”

CONCLUSION:-

9. A perusal of the record as well as judgments and decrees passed by both the Courts below show that each and every bill/document has been taken into consideration by both the Courts below while deciding the civil suit as well as the appeal. Documentary proof placed on record speaks in favour of the respondent.
10. Consequently, I do not find any infirmity in the judgments and decrees dated 26.08.2002 and 12.12.2003 passed by both the Courts below and both the appeals are dismissed being devoid of any merit.
11. Decree sheet be drawn accordingly.
12. Pending applications, if any, also stand disposed of.

October 3, 2024
A.Kaundal

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No