



2026:UHC:713-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 453 OF 2025

09TH FEBRUARY, 2026

Vinay Anand Bourai Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Rajendra Dobhal, learned Senior
Counsel assisted by Mr. Bhupendra
Bora, learned counsel

Counsel for the respondents : Mr. Gajendra Tripathi, learned
Standing Counsel for the State

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) Heard Mr. Rajendra Dobhal, learned Senior Counsel assisted by Mr. Bhupendra Bora, learned counsel for the petitioner and Mr. Gajendra Tripathi, learned Standing Counsel for the respondents.

2) The present writ petition has been filed seeking a writ of mandamus commanding the respondents to reimburse the medical bills of the petitioner amounting to Rs.11,12,992/- along with interest of 18% as per the State Government Health Scheme.



2026:UHC:713-DB

3) Briefly stated, the facts are that, the petitioner retired from the post of Principal from Shri Guru Ram Rai (P.G.) College, Dehradun on 31.08.2022 upon attaining the age of superannuation. The petitioner claims that he is a Golden Card holder under the health scheme provided by the State Government for Government employees. The petitioner is a patient of lung cancer and was under treatment for the said disease at Madanta the Medicity, Gurugram. He submitted the medical bills of medical expenses through Principal of the college on 20.05.2024 for a sum of Rs.13,05,476.35 for the period from 19.09.2022 to 17.05.2024. The petitioner also submitted essentiality certificate along with original bills. The claim of the petitioner for reimbursement of the medical bills remained pending and, consequently, the present writ petition has been filed.

4) In pursuance of order of this Court, the respondents have supplied written instructions through the Chief Standing Counsel, and the same have been taken on record. The stand taken by the respondents is that as per Clause 22 of the Medical Department's Government Order No. 1256 dated 25.11.2021, the reimbursement of medical treatment expenses for Non-Government Aided Colleges is permissible subject to certain restrictions, which are as follows:



2026:UHC:713-DB

- “(a) The concerned institutions shall be entitled to adopt the scheme after getting the proposal passed by their Governing Body, Board etc.
- (b) The said scheme will be mandatory for all the employees of the concerned institutions / bodies / corporations.
- (c) The concerned institutions shall make monthly deductions from the salary / pension of the employees / pensioners and make the amount available online to the State Health Agency.”

5) It is stated that in order to avail the benefit of the scheme the monthly contribution ought to have been deducted in advance after exercising the option under the scheme. However, in the case of petitioner, a lump sum deduction of Rs.20,000/- was made in the month of April 2024 by estimating the monthly contribution from August 2022 i.e. one month prior to the commencement of his medical treatment, which continued from 19.09.2022 to 17.05.2024. It is further stated that another sum of Rs.1,000/- was deducted from the pension in November 2024. It is stated that due to non-adoption of the scheme by the college on time and non-submission of the option for the scheme in time by the petitioner and for the reason that the monthly contributions were deposited in lump sum, the claim of the petitioner for reimbursement is not admissible and has consequently been rejected by the Medical Department on 16.09.2025.



6) Mr. Rajendra Dobhal, learned Senior Counsel appearing for the petitioner contends that the respondents have themselves made lump sum deduction of the monthly contributions from the pension of the petitioner for the entire period for which the reimbursement has been claimed and, therefore, they cannot now take the stand that because of any delay on part of the petitioner in depositing monthly contributions the claim is not acceptable. He further submits that the petitioner having retired on 31.08.2022, it was not within his control to compel the management of the college to adopt the scheme forthwith, and even if there was any delay on part of the college in accepting the scheme, the claim of the petitioner could not have been rejected for the said reason.

7) On the other hand, learned Standing Counsel appearing for the State contends that since there was delay on part of the college in adopting the scheme and since contributions were not paid on a monthly basis, therefore, the claim has been rightly rejected.

8) We have considered the rival submissions and perused the material placed on record.

9) The State Government Health Scheme was notified by means of Government Order dated 25th November 2021. The purpose of the scheme is to provide



security to the employees towards the unforeseen medical expenditure, for which a monthly contribution has been contemplated.

10) It is not disputed before us that the petitioner had suffered from the said disease, had taken treatment, and on that basis submitted the bills for reimbursement. It is also not disputed before us that the bills were duly forwarded by the Director, Higher Education, Uttarakhand, Haldwani, Nainital along with his approval for necessary sanction by the Government. In the approval dated 11.06.2025, the Director, Higher Education has admitted that the entire amount towards monthly contribution for the period 19th September 2022 to 17th May 2024 was deducted by way of a lump sum deduction of Rs.20,000/- in April 2024, and Rs.1,000/- in November 2024, specifically towards the State Government Health Scheme, from the pension of the petitioner. In the written instructions supplied by the respondents it has not been disclosed as to how there was any delay on part of the college in opting for or adopting the scheme. In any event, such delay would not operate to the prejudice of the employee, inasmuch as Clause 22 of the Scheme makes the scheme compulsory for all the employees.



2026:UHC:713-DB

11) The scheme in question was by way of a social security and welfare measure intended to provide financial protection to employees and pensioners against unforeseen medical expenditure, and therefore deserves a purposive and beneficial interpretation which leans in favour of the employee. Once contribution is accepted, even belatedly or in lump sum, the State cannot turn around and deny benefit on that very ground. We find no justifiable reason for the respondents to deny the claim for reimbursement.

12) Accordingly, the writ petition is allowed. The respondents are directed to reimburse the claim of the petitioner in accordance with the Scheme contained in Government Order dated 25th November 2021, within a period of four weeks from the date of communication of this order.

13) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 09TH FEBRUARY, 2026
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