IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14809 of 2013
Date of Decision: 15.01.2015

Rampal Singh Dabiya ....Petitioner

Vs.

State of Haryana and others ....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana

Amol Rattan Singh, J (Oral)

Learned counsel for the petitioner submits that the petitioner is actually entitled to the reimbursement of the entire amount spent by him, to the tune Rs.4,20,162/- for medical treatment taken by him (knee replacement), from the Artemis Medical Institute, Sector-51, Gurgaon, which is admittedly an empanelled hospital with the Haryana Government, even as per the instructions dated 02.05.2011, appended with the reply filed by the State Government.

However, what has been reimbursed to the petitioner is Rs.2,88,444/- on 04.10.2013, which is stated to be reimbursement for the treatment received, as per rates of the PGI (presumably PGIMS, Rohtak), plus 75% of the remaining amount.

This factual position is not disputed by learned counsel for the petitioner.

He, however, submits that the ratio of the judgment of a

Division Bench of this Court in **Om Parkash Goyal Vs. State of Haryana**, 2009 (1) RSJ 764, would apply to the case of the petitioner also, wherein the full amount as was incurred for the treatment of the petitioner in that case, was ordered to be reimbursed and the amount which was sought to be recovered from him was disallowed, giving liberty to the State to proceed against the person who had sanctioned the enhanced amount earlier.

The present case is factually on a different footing, wherein no enhanced amount was ever sanctioned to the petitioner and what has been paid to him is in consonance with the policy of the Haryana Government, to reimburse the amount as would have been payable in the PGIMS, Rohtak, plus 75% of the remaining amount.

As per the judgment of the Supreme Court in the case of State of **Punjab and others Vs. Ram Lubhaya Bagga and others**, (1998) 4 SCC 117, it has been categorically held that the Government, in exercise of its powers under Article 162 of the Constitution, is within its right to promulgate a particular policy on any issue which falls within the subject matter of the State Government and to amend such policy as is felt required by the Government.

Hence, I see no reason to allow the petitioner reimbursement over and above what has already been reimbursed to him, in terms of the State Government policy dated 02.05.2011 (and policy date 06.05.2005, which has been referred to in the policy dated 02.05.2011).

However, Mr. Shekhawat submits that the petitioner was paid the amount reimbursable to him as held above, also after a delay of about 1 year and 3 months, though the petitioner had submitted the bills on 17.08.2012, after being discharged from hospital on 08.08.2012. The amount , however, has been paid to him only on 04.10.2013.

Learned State counsel, on the other hand, submits that the amount as was to be paid to the petitioner, was actually sanctioned on 06.12.2012 and as such, if there is any delay in payment, it is only after that date and not before.

Keeping in view the above and the fact that it would take about two to three months for the respondents to process the bills submitted, the petitioner would be entitled to interest @7% per annum, from 07.12.2012 till the date of actual payment of the amount reimbursed to him.

The said amount be calculated and be paid to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

Disposed of in the above terms.

January 15, 2015 **(Amol Rattan Singh)**
vcgarg **Judge**