

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 1169 of 2015
Date of decision: August 21, 2015

Pooja Dhingra

..... Petitioner

Versus

Employees State Insurance Corporation and ors.

.... Respondents

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CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Sharad Aggarwal, Advocate for the petitioner.

Mr. Vikas Suri, Senior Standing Counsel for
respondents No.1 to 3.

Mr. R.K. S. Brar, Addl. A.G., Haryana
for respondents No.4 and 5.

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HARINDER SINGH SIDHU, J

Short reply on behalf of respondents No.1 to 3 filed in
Court, is taken on record.

By filing this writ petition, the petitioner has prayed for
quashing the order dated 14.11.2014 (Annexure P-9) passed by
State Medical Commissioner, Employees' State Insurance
Corporation, Faridabad- respondent No.3, whereby her claim for
reimbursement has been declined on the ground that her claim was
time barred . It was stated that the petitioner had submitted her bills

for medical reimbursement late after one year, therefore, as per the Instructions dated 19.3.2014 the same could not be considered w.e.f. 31.03.2014.

The petitioner had undergone treatment for spinal injury in April-May, 2011, for which she submitted her claim amounting to Rs.3,47,706/-. In this regard, she had addressed communication dated 05.02.2013 (Annexure P-1) to the Medical Officer, ESI Dispensary No.-3, Gurgaon explaining that the hospital bills relating to her treatment were lost and she had requested the concerned hospital authority to issue attested copies of the same for processing insurance claim. Thereafter, the bills were received and the petitioner approached to the ESI Dispensary no.3, Gurgaon to lodge her claim but her medical bills were not accepted for reimbursement stating that the time to lodge the same had already expired. The petitioner requested that her application for reimbursement be recommended. Vide letter dated 07.10.2013 (Annexure P-4), the petitioner's claim was forwarded to the Director, ESI , Health Care Haryana, UT Manimajra, Chandigarh by the Medical Officer, ESI Dispensary No.3, Gurgaon. Vide letter dated 09.10.2014 the Director , ESI Health Care Haryana forwarded the claim of the petitioner to the Director General, ESIC, New Delhi with the recommendation to grant relaxation of time. However, by the impugned order dated 14.11.2014 her claim was rejected.

Learned counsel for the petitioner has referred to communication dated 19.03.2014 (Annexure P-8) on the subject

regarding relaxation in time barred claims. It takes note of the fact that time barred medical reimbursement claims in respect of ESI beneficiaries were being forwarded to the Central Office with the reasons given by the beneficiaries that they were not aware of the rules with regard to time limit for submission of bills. The addresses were requested to make necessary arrangements to create awareness among the ESI beneficiaries in order to avail timely reimbursement. It was stated that time barred medical reimbursement claim for delay due to insured persons non-awareness would not be considered after 31.03.2014.

Learned counsel for the petitioner states that the petitioner had forwarded her claim on 16.08.2013, which is much before the issue of this letter on 19.03.2014. Hence her claim even as per letter dated 19.03.2014 could not be considered time barred. He further states that the time taken after 16.8.2013 till the final communication from the Director, ESI Health Care, Haryana to the Director General, ESIC, New Delhi vide letter dated 09.09.2014 recommending grant of relaxation of time limit to the petitioner could not be attributed to the petitioner, as that was the time taken by the official respondents. He states that even before 16.8.2013 she had submitted her claim on 05.02.2013 and explained to the Medical Officer, ESI dispensary the reasons as to why the bills were not submitted within time.

The only ground for denial of the claim of the petitioner is that the medical bills have not been submitted within time. Prima-

facie it appears that the petitioner has satisfactorily explained the delay in lodging her claim. So she cannot be blamed for the same. Moreover, she had already lodged her claim before the period stipulated as per the communication dated 19.03.2014.

In the light of these facts, without commenting on the merits of the case, this petition is disposed of with a direction to respondent no.1 to re-consider the claim of the petitioner sympathetically as early as possible.

The amount found payable to the petitioner as per rules be released to her within a month after the decision on her claim.

(HARINDER SINGH SIDHU)
JUDGE

21.08.2015
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