

Sr.No.241

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-14349-2014(O&M)

Decided on: 20.10.2015

Bhoop SinghPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Manish Soni, Advocate for the petitioner.
Mr.Hitesh Pandit, Addl. A.G. Haryana.

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Mahesh Grover, J

Petitioner impugns Annexure P7.

The wife of the petitioner Smt. Prem Chaudhary since deceased was afflicted with a terminal illness and admitted to the hospital for treatment on 05.07.2010. She continued with the treatment which after the initial stage did not require hospitalization but constant outdoor treatment. A medical board was constituted in which the wife of the petitioner participated and her disease was declared to be chronic by the Board on 06.07.2012. The deceased was earlier drawing the benefit of medical reimbursement on fixed basis.

There are instructions of the State dated 11.08.1992 permitting reimbursement of outdoor expenses for treatment of Haryana Government Employees / Pensioner / Family Pensioners after the disease had been certified to be chronic by the medical board constituted in that regard.

There are also instructions of the year 2006 permitting the employees to alter their option from fixed benefit to one which would enable them to get reimbursement for outdoor treatment in the event of the disease being certified as chronic. This particular form of reimbursement has been defined as 'Open Medical Treatment'.

The grievance of the petitioner is that even though the petitioner was

afflicted with a disease which was ultimately declared by the Board as chronic in 2012, the benefit of Open Medical Outdoor Treatment and medical reimbursement on account thereof have been permitted only from the date of certification by the Board and not from 2010 i.e date of discovering of affliction. It is not in dispute that the benefits have been given to the petitioner w.e.f 2012. Therefore, the claim is restricted for the year 2010 to 2012.

In the considered view of the Court, the stand of the respondent is unjust. Once Board acknowledges the ailment to be chronic in the year 2012 it is merely a recognition of a condition which the petitioner's wife was suffering from since 2010 and merely because this recognition came in 2012 would not in any eventuality dilute the claim of the petitioner for medical reimbursement w.e.f the date when his wife was affected by the ailment.

The plea of the respondents that the benefit can be given from 2012 can only be termed as unfair and oppressive and against a benevolent scheme of the State offering reimbursement to its employees for medical Treatment. This Court has already held as such in **Secretary to the Government of Haryana v. Vidya Sagar 2009(14) SCC 652 and Kuldip Singh Virk v. State of Punjab 2001(4) SCT 469.**

Consequently, the petition is accepted and respondents are directed to reimburse the petitioner on account of the treatment of his deceased wife for outdoor treatment w.e.f 05.07.2010 to 06.07.2012.

20.10.2015
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(MAHESH GROVER)
JUDGE