

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

CWP-2986-2013 (O&M)
Date of decision : 10.07.2015

Smt. Mukta Goyal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.L. Dhingra, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India, is for issuance of a direction to the respondents to release the medical reimbursement claimed of the petitioner.

The learned counsel for the petitioner submits that one Naseeb Singh, co-employee of the petitioner, when not allowed the similar benefit for the treatment taken by his wife, approached this Court through CWP No.8280 of 2003. He submits that the treatment taken by the petitioner and the hospital are the same as that of in case of the above mentioned co-employee, Nasib Singh. The order dated 16.09.2004, passed by this Court in CWP No.8280 of 2003 by the Hon'ble Division Bench of this Court, whereby the claim had been

allowed, has attained finality as the amount has been released to the petitioner therein. The relevant extract of Nasib Singh's case (supra) reads as under:-

“Respondents in the written statement have not denied this fact. Thus, the petitioner's claim that the treatment had been received from the private hospital on account of emergency, remains uncontroverted and has to be accepted.

In these circumstances, the present case is now fully covered by the judgments of this Court in Civil Writ Petition No.1275 of 2000 Lajpat Rai Dudeja Vs. State of Haryana and others decided on 18.5.2000 and Civil Writ Petition No.2200 of 2000 Roshni Devi Vs. State of Haryana and others decided on 14.05.2002.”

The learned State counsel has been unable to controvert the above position.

Considering the fact that in the present case as well as in the case of Nasib Singh (supra), the treatment taken and the hospital are same, the present petition is allowed in the same terms.

However, in case, the averments made by the learned

counsel for the petitioner are found to be against the record by the State, the State shall have the liberty to get revived the present petition and in case, the order dated 16.09.2004, has attained finality, the consequential benefits be released in favour of the petitioner. The entire exercise be concluded within a period of four months from the date of receipt of a certified copy of this order.

Allowed.

10.07.2015

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(JITENDRA CHAUHAN)
JUDGE