

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

CWP-5200-2013 (O&M)
Date of decision : 27.05.2015

Manohar Lal Sharma

...Petitioner

V/S

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Bhavna Joshi, Advocate for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Article 226 of the Constitution of India is for issuance of directions to the respondents to reimburse the expenditure incurred by the petitioner on treatment i.e. on 22.11.2011 and 05.03.2012 in accordance with Policy dated 02.05.2011 (Annexure P-3) and interest @9% per annum from the date of accrual till the payment of balance amount.

It is contended that petitioner is a retired Haryana Government employee. On 19.11.2011, the petitioner's wife, Mrs. Asha Sharma, suffered from Hypertension, Coronary Artery Disease (CAD) and had to be remained hospitalized due to acute breathlessness & asthmatic bronchitis in Alchemist Hospital, Section 21, Panchkula (Haryana) from 19.11.2011 to 22.11.2011. This hospital is on the approved panel of hospitals. The petitioner had incurred a total

expenditure of Rs.27,590/- on the treatment of his wife and he forwarded medical bills to the respondent No.3. Thereafter, Rs.20,082/- was sanctioned and reimbursed by the State. But as per the policy issued vide notification dated 02.05.2011 (Annexure P-3), after making payment of 100% of PGI rates, out of the balance remaining, 75% is to be reimbursed. In the case of petitioner, actual expenditure is Rs.27,590/-, reimburseable rates of PGI is Rs.10,483/- and balance of actual PGI rates is Rs.17,107/-. As per aforesaid policy respondents ought to reimburse in the following manner:-

100% of PGI Rates i.e.100% of 10,483	= Rs.10,483/-
Add: 75% of balance i.e.75% of 17,107	= <u>Rs.12,830/-</u>
Total reimburseable amount	= Rs.23,313/-
Actual amount reimbursed	= <u>Rs.20,082/-</u>
Actual due	= Rs.3,231/-

Feeling aggrieved, the petitioner served a legal notice dated 29.07.2012 regarding sanction the balance amount as per the policy but to no avail.

The wife of the petitioner again suffered the same problem and had to remain hospitalized from 29.02.2012 to 05.03.2012 and incurred a total expenditure of Rs.53,052/- on treatment, out of this expenditure only an amount of Rs.38,816/- has been reimbursed.

Learned counsel for the petitioner relies upon “**Ranbir Singh Kundu Vs. Haryana State Agricultural Marketing Board, Panchkula and others**” 2008 (2) SCT 314 and “**Suman Rakheja Vs.**

State of Haryana and another” 2004 (13) SCC 562.

On the other hand, the learned State counsel submits that in view of the policy dated 02.05.2011, the medical bill of the petitioner of Rs.53,052/- had been examined and calculated by the accounts branch as per the PGI rate + 75% remaining amount, which comes to Rs.38,816/-. He further contends that as per the Government policy, doctor visiting fee and food beverages are not reimburseable.

Heard.

In view of above facts and the policy dated 02.05.2011 (Annexure P-3), this petition is allowed and the respondents are directed to reimburse the balance amount of Rs.3,231/- incurred by him during the first treatment of his wife and reimburse the expenditure incurred by the petitioner for the period i.e. from 29.02.2012 to 05.03.2012, as per the policy dated 02.05.2011, within three months from the receipt of certified copy of this order.

27.05.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**