

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

CWP-929-2014 (O&M)

Date of decision : 10.03.2015

Balour Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Diwan S. Adlakha, 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 direction to the respondents to release/reimburse the medical expenses incurred by the petitioner for his treatment as well as treatment of his wife, along with interest @ 18% p.a., on the delayed payment.

The learned counsel for the petitioner limits his prayer only to the extent that interest be granted on the delayed payment of medical reimbursement. In support of his contention, he has placed reliance on a judgment passed by a Division Bench of this Court in ***Waryam Singh Vs. State of Punjab, 1996(2) S.C.T. 495*** and ***State of Haryana Vs. Ranbir Singh, 2013(3) SLR 200.***

The learned counsel for the respondents states that the

entire amount admissible to the petitioner under the Rules, stands paid. However, has not been able to controvert the argument raised by the learned counsel for the petitioner with regard to grant of interest on account of delay in payment thereof.

Heard.

In Waryam Singh's case (supra), the Division Bench of this Court, while dealing with the issue of interest payable on the delayed payment of medical expenses/reimbursement, laid down as under:-

“13. Now the question which needs determination is whether the petitioners are entitled to be paid interest. In most of the cases decided earlier, this Court has awarded interest to the petitioners. This is because the Court has taken the view that the Government and its functionaries have unjustifiably withheld the reimbursement. We do not find any reason to deviate from the earlier decisions. In additions to the reasons given in the decisions to which reference has been made above, we deem it necessary to add that it is extremely agonising for a person to wait for months and years to receive reimbursement of the expenses incurred by him for treatment. The very nature of ailment like heart

disease changes the life style of a human being and if he is under mental strain of paying back the amount incurred for medical treatment and is made to enter into long correspondence with the Government, it only increases risk to his life in future. Wholly unjustifiable approach on the part of the Government forcing these persons to approach the Court cannot also be ignored. One can reasonably assume that three months' time is sufficient for the Government to make an inquiry into the genuineness of the bill submitted by an employee for reimbursement. Therefore, it would be just and proper to direct the payment of interest with effect from expiry of three months of the submission of the application for reimbursement.”

In Ranbir Singh's case (supra), this Court has held as under:-

“10. Thus, medical reimbursement is neither a bounty nor a concession to be awarded to the government employee for his medical treatment, but it is a constitutional obligation of the government to

bear the expenses. If the employee is at fault in submitting the bills or the bills could not be processed for some reasons attributable to the government employee, then he could be denied the relief of interest but when the government employee has submitted the bills and the employees dealing with such bills, for the reasons best known to them, delay the payment and ultimately, the payment is made then why the government employee should not be compensated for the delay caused in payment. Lest payment of bills bring dual sufferings to the government employee. First, that he after spending money, which he may have taken as loan or otherwise suffers on account of interest which he pays to the borrower, he continues giving rounds of the office spends over his transport and waiting for payment and secondly, he is not paid that much amount which he spent, some hidden charges are not paid and some times the bills of the private hospital are not honoured and he is paid at the rate of government hospitals or to some extent if he gets treatment from the approved hospitals. No doubt, a

reasonable period could be taken into consideration for non payment of interest. The period which the office would have taken to process the papers and seeking approval but inordinate and long delay in making payment could not be condoned which occurs, purely for the fault on the part of the government machinery.”

The case of the petitioner is squarely covered by the ratio of law laid down in Ranbir Singh's case (supra).

Consequently, the present petition is disposed of with a direction that the petitioner shall be entitled to the interest at the rate of 12% p.a. on the amount of medical reimbursement, for the period between the date commencing from expiry of three months of the submission of the application(s) (as the case may be) for reimbursement, till the date of actual payment.

Disposed of.

10.03.2015
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(JITENDRA CHAUHAN)
JUDGE