

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

Date of decision:12.01.2015

Deen Mohammad

.....Appellant

v.

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Rahul Gautam,Advocate for the appellant/plaintiff
Mr.Aman Chaudhary,Advocate for respondents/defendants
with Mr.Parveen Gupta, Law Officer of the respondent Co.

Jaswant Singh,J.(Oral)

Plaintiff is in appeal against concurrent judgments passed by both the Courts below whereby his suit for declaration with consequential relief of mandatory injunction was dismissed vide judgment and decree dated 15.9.2012 passed by Civil Judge (Junior Division) Gurgaon and the findings affirmed vide judgment and decree dated 26.2.2013 passed by learned Additional District Judge, Gurgaon.

The admitted facts are that the plaintiff was employed as a Commercial Assistant with respondent-Dakshin Haryana Bijli Vitran Nigam. He suffered a brain hemorrhage and underwent treatment including surgery at a private hospital w.e.f. 9.7.2005 to 7.11.2005. Bills for an amount of Rs.62,149.50 on the ground of expenses incurred in the said private hospital namely Diamond Hospital were submitted to the defendants. Medical claim to the extent of Rs.9461/-

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High Court, Chandigarh.

was only sanctioned and paid. Remaining amount was held to be not admissible since that had been incurred after his discharge from the hospital, which was not payable in view of the fixed medical allowance being drawn by the plaintiff.

Learned counsel for the appellant/plaintiff has raised and pressed the following substantial question of law:-

- (i) Whether the appellant is entitled to reimbursement of medical expenses incurred on outdoor treatment as a follow up action of indoor treatment when monthly cash allowance is being obtained by the appellant?

At the time of hearing learned counsel for the parties are agreed the aforesaid question of law is no longer *res integra* and is covered by judgments of this court rendered in **Er.KC Verma v The Punjab State Electricity Board, The Mall Patiala through its Secretary 2008(3)SCT 512** and **Raghuvir Prasad Mittal v State of Haryana and others, 2008(3) SCT 362**.

In the case of **Er.KC Verma** (supra) after considering the previous case law on the subject, it has been specifically held that an expenditure incurred by the employee as an outdoor patient after having gone treatment as an indoor patient, he is entitled to medical reimbursement incurred by him as an outdoor patient as follow up expenses. In the other cited case of **Raghuvir Prasad**(supra) it has been held that even if the fixed medical allowance was being drawn by an employee the medical expenses incurred after a serious ailment cannot be denied.

Hence in view of the aforesaid declaration of law both the impugned judgments and decrees are set aside and the suit of the plaintiff/appellant is decreed to the extent that he is also entitled to the reimbursement of medical expenses incurred by him as an outdoor patient after having undergone the treatment as an indoor patient for the aforesaid period with the Diamond Hospital, alongwith interest @ 12% per annum from the date of submission of the bills till the date of payment. Plaintiff is also held entitled to costs of Rs.10,000/-. Decree sheet be prepared accordingly.

Since considerable period has lapsed, the amounts found due shall be released to the plaintiff/appellant within three weeks from the date of receipt of certified copy of this order.

12.01.2015
joshi

(Jaswant Singh)
Judge