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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of hearing and Order: 02.03.2015

+ W.P.(C) 472/2015 & CM No.791/2015 (condonation of delay)

R.A. SINGH

..... Petitioner

Through Mr. S.N. Kaul, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Dev P. Bhardwaj, CGSC for
UOI.

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

KAILASH GAMBHIR, J (ORAL)

W.P.(C) 472/2015 & CM No.791/2015 (condonation of delay)

1. By this petition filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks to challenge the order dated 04.09.2014 passed by

the learned Tribunal seeking direction for payment of penal interest @ 12% for the period of delay in the non-payment of medical reimbursement claim of the petitioner. On the last date, Mr. Bhardwaj, Standing Counsel for the respondents sought time to comply with the directions given by the learned Tribunal vide order dated 19.01.2015 and also to take instructions in the matter apropos the payment of the interest. Mr. Bhardwaj on instructions submits that the payment has been sanctioned and some more time be given to the respondents to enable them to pay the said amount to the petitioner. The learned Tribunal has already given the direction to the respondents to reimburse the medical claim of the petitioner to the balance amount of Rs.69,331.91 within a period of three months from the date of the order. As per the petitioner, the said medical claim should have been settled by the respondents within a period of 45 days from the date of the submission of the same and the respondents while reimbursing an amount of Rs.99,927/- had arbitrarily and unlawfully disallowed the balance amount of Rs.69331.91 out of the total claim amount of Rs.169258.91 without any reasons.

2. It is not in dispute that the wife of the petitioner had undergone treatment from Aditya Hospital, Hyderabad and paid an amount of

Rs.162958.91 to the hospital on different dates for the purpose of treatment of his wife. The learned Tribunal has already found merit in the said claim of the petitioner and in fact there should not have been any impediment for the respondents in paying the said balance amount of Rs.69,331.91 to the petitioner for the settlement of his medical reimbursement claim.

3. We are however anguished that the respondents have not taken any care to pay the said medical claim of the petitioner even within the period of three months granted to them. This shows further apathy of the respondents in not even complying with the directions of the Court. This medical claim should have been paid by the respondents within a period of 45 days from the date of submission of the medical claim by the petitioner. The respondents although had paid an amount of Rs.99,927/- but the remaining amount of Rs.69331.91 was not paid by them.

4. Considering the fact that the respondents have not cleared the said payment till date, therefore, looking into the conduct of the respondents we direct payment of interest @ 12% p.a. from 11th July, 2013 within a period of two months from the date of this order making it clear to the respondents that if the said amount along with interest is not paid within the said period then they shall be liable to pay interest at an increased rate of 18% p.a. for

the further period of delay. Cost of Rs.20,000/- is also imposed upon the respondents to be paid to the petitioner within the said period of two months.

5. W.P.(C) 472/2015 & CM No.791/2015 stand disposed of.

Dasti under the signatures of the Court Master to the counsel for the respondents, as prayed.

**KAILASH GAMBHIR
(JUDGE)**

**I.S.MEHTA
(JUDGE)**

MARCH 02, 2015
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