

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5509-2008 (O&M)
Date of decision: 04.10.2016

Birham Parkash

.....Petitioner

versus

The State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.P.L.Verma, Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Gagan son of the petitioner was suffering from blood cancer since 2001. Despite best treatment, he could not survive and expired on 28.4.2004. Petitioner got the indoor and outdoor treatment of his son for which he submitted the medical bills amounting to Rs.2,69,110/-, which was declined by the Government on the ground that the petitioner is getting fixed medical allowance. The Government has relied upon its instructions Annexures P3 and P4. It is stated that in case of chronic disease, mentioned in letter Annexure P3, which does not include 'blood cancer', employees were allowed to change the option. In the letter Annexure P3, 10 chronic diseases have been mentioned, which does not include the blood cancer. Now, the question would arise whether an employee who is getting fixed medical allowance is entitled to reimbursement of the medical bills for outdoor treatment in case of blood cancer? I am of the view that the list Annexure P3 mentioning 10 chronic diseases appears to have been missed

the deadly disease of blood cancer, which is apparently, a chronic disease and is life threatening. The son of the petitioner was suffering from blood cancer. Matter was examined by a Division Bench of this Court in Raghuvir Prasad Mittal vs. State of Haryana and others, 2008(3) SCT 362, wherein in a similar case, where an employee was getting fixed medical allowance and his wife was suffering from cancer, medical re-imbursement of bills of outdoor treatment was allowed. The present case is squarely covered by the said judgment.

It comes out that out of the claim of Rs.2,69,110/-, the medical bill for the indoor treatment, amounting to Rs.65,825/- were paid by the State. However, the bills for Rs.2,29,110/- for outdoor treatment were declined.

Accordingly, the present writ petition is allowed and impugned letter dated 11.10.2005 (Annexure P5) and order dated 9.10.2007 (Annexure P6) are hereby quashed and a writ of mandamus is issued, directing the respondents to sanction and re-imburse the outdoor treatment bills amounting to Rs.2,29,110/- to the petitioner within two months from the date of receipt of a certified copy of this order.

04.10.2016*gk***(Kuldip Singh)****Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

Yes