

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

**CWP-19171-2013 (O&M)
Date of decision: 03.10.2016**

Smt.Anita**.....Petitioner****versus****Municipal Corporation, Amritsar****.....Respondent****CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Sharwan Sehgal, Advocate for the petitioner
Mr.Ashok Kumar Arora, Advocate for the respondent

- 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)

Shri Manohar Lal, father of the petitioner, was working as a Sewerman in Municipal Corporation, Amritsar. After his retirement, he died on 12.10.2010 as pensioner. Smt.Kanta Rani, mother of the petitioner was granted family pension. Smt.Kanta Rani remained ill and died on 23.2.2012. Smt.Kanta Rani had spent money for her medical treatment. Bills amounting to Rs.4,41,806/- were submitted by the petitioner on behalf of her deceased mother Smt.Kanta Rani on 16.8.2012 to the concerned Branch of Municipal Corporation, Amritsar. However, vide impugned order No. DCFA-223 dated 7.3.2013, the medical re-imburement has been declined on the ground that the petitioner, being married daughter, does not fall in the definition of family and is not entitled to medical re-imburement.

In the reply also, respondents have taken a stand that since the petitioner does not fall within the definition of family, therefore, she is not entitled to medical reimbursement.

I have heard learned counsel for the parties and have carefully

gone through the file.

Learned counsel for the respondent has relied upon the instructions dated 3.1.1994 (Annexure P5) regarding the definition of family. I am of the view that the respondents have taken entirely perverse view of the matter. Here Smt.Kanta Rani being a pensioner, was entitled to medical reimbursement. Since, she had fallen ill and spent the money partly from her own pocket and partly spent by the petitioner, therefore, had Smt.Kanta Rani survived, she would have been entitled to medical reimbursement. Since, Smt.Kanta Rani could not survive, therefore, the petitioner, being the legal heir, could file the medical claim on behalf of her deceased mother. The amount of the medical claim falls within the definition of property and on the death of Smt.Kanta Rani, the petitioner is entitled to inherit the same. Petitioner is otherwise stated to be the only child of her parents and is Class-I legal heir.

It being so, the claim made by the petitioner on behalf of her deceased mother Smt.Kanta Rani has to be reimbursed by the respondents and paid to the petitioner being the Class-I legal heir. Consequently, the impugned order dated 7.3.2013 (Annexure P2) is hereby quashed and the respondents are directed to re-imburse the medical reimbursement bills of the deceased Smt.Kanta Rani as per PGI rates and make the payments to the petitioner, who is the only surviving Class-I legal heir.

The writ petition stands allowed.

03.10.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No