

CWP No. 606 of 2014

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 606 of 2014.
Date of Decision : 03.06.2016

Balraj Kohli

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Ravinder Malik(Ravi), Advocate
for the petitioner.

Mr. Vivek Chauhan, Senior Panel counsel
for respondents No. 1 and 3-UOI.

Mr. Parminder Singh Kanwar, Senior Panel counsel
for respondent No. 2.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has questioned the communication dated 31.05.2013 (Annexure P-6) passed by respondent No. 3.

Brief facts of the case are that the petitioner was an

employee of the Border Road Organization. He has attained the age of superannuation and retired from service on 30.11.1988 for the post of UDC. Petitioner is stated to have rendered more than 26 years of service. Petitioner's wife Smt. Santosh Kohli fell ill and she had suffered massive heart attack in the month of October, 2011 due to which she remained admitted in Dr. Ram Manohar Lohia Hospital, New Delhi from 31.10.2011 to 08.11.2011. She was treated with angiography and three taxus were inserted in three nerves of her heart on 02.11.2011. Thus, the petitioner had spent an amount of ₹2,26,450/- towards medical bill.

The petitioner is stated to have demanded for medical reimbursement with respondents No. 2 and 3. However, respondent No. 3 rejected medical reimbursement claim on 31.05.2013 while assigning the reason that the petitioner is not enrolled with CGHS and he is not pensioner card holder. Consequently respondent No. 2 has not released/settled the medical reimbursement claim of the petitioner.

Learned counsel for the petitioner submitted that in identical matter in the case of *Darshan Singh Rai Vs. Union of India and others*, 2008(2) SCT 242 while considering various judgments of the Hon'ble Supreme Court and judgments of this Court, the Hon'ble Supreme Court has held as under :-

“7. The State cannot refuse reimbursement of the expenditure incurred by a Government servant for it

is the bona fide duty of the Government to pay for the beneficial act of an employee as it is Welfare State. All the rules and regulations are to be considered in favour of the Government employee liberally and to his benefit. The State cannot be permitted to have an iron heart in such matters. It is not the plea of the respondents that the petitioner has not incurred the expenditure on his treatment. It is being noticed by this Court that quite often writ petitions are filed to obtain redress in the matter of reimbursement of medical expenses particularly by those who have retired from service, which is a sad commentary on the working style of the concerned departments and particularly of the head of those departments who must own responsibility for the indifference and delays in this regard."

In view of the above decision, order dated 31.05.2013 is set-aside and respondents are directed to reconsider the claim of petitioner to grant medical reimbursement within a period of 04 months from today.

Petition stands allowed in above terms.

June 03, 2016.
kanchan

(P.B. BAJANTHRI)
JUDGE