

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

CWP No. 632 of 2014

Date of decision:-18.03.2016

Parkash Chand Garg

...Petitioner

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Parmod Kumar, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G, Haryana

RITU BAHRI , J. (Oral)

Petitioner has approached this Court praying for issuance of writ in the nature of mandamus directing respondent Nos. 2 and 3 to release/clear medical bills amounting to Rs.73310/- submitted by the petitioner for treatment of his wife who is suffering from 'Osteo Arthritis'

The wife of the petitioner is suffering from 'Osteo Arthritis' since February, 2012 and before the retirement of the petitioner, he was getting the fixed medical allowance. However, petitioner opted for change of option from Medical Allowance to open Medical Reimbursement Scheme and wrote a letter to respondent No.

2 that the petitioner has changed the option w.e.f 01.02.2012 (P-1). Thereafter, a letter was written by respondent No. 2 to respondent No. 3 stating that the request of the petitioner was allowed, as per Government instructions dated 02.04.1999(P-3). However, petitioner will be allowed to change his option from the start of month of April and not from the day, which the petitioner has opted i.e February, 2012 (P-2), which was wrongly done as per instructions of the government (P-4). Thereafter, medical bill of the petitioner was not cleared for the period from 15.02.2012 till 28.03.2012. Thereafter, petitioner retired from the post of Supdt. Engineer. The petitioner again submitted medical bills for the period 04.06.2012 to 24.12.2012 (P-6), which was returned back vide letter dated 23.08.2013 (P-7) stating therein that the bills amounting to Rs.6000/- per year is admissible only to the petitioner, as the petitioner has not got the test of his wife done from AIIMS thereafter, the same is not to be reimbursed.

On notice, a written statement has been filed by the respondent and took a stand that the medical bills of the petitioner has not been cleared as the wife of the petitioner is not suffering from chronic disease.

During pendency of the writ petition, learned counsel for the petitioner has placed on record copy of chronic disease certificate issued by Civil Surgeon, Gurgaon (P-14).

Vide order dated 04.12.2015, this court directed the learned State counsel to verify this certificate. Today, learned State counsel has submitted that they have verified the certificate and found it true.

Reference at this stage can be made to letter dated 08.05.2003 wherein the limit of Rs.6000/- has been removed by the Government of Haryana and full reimbursement of the expenses incurred on the treatment of the petitioner has been ordered to be released. Further as per letter dated 08.06.2005, the disease 'Osteo Arthritis' has been included in the list of Chronic disease

Thus as per instruction dated 08.06.2005 and in view of the fact that the wife of the petitioner is suffering from chronic disease, the writ petition is ***allowed***. A direction is given to respondent No. 3 to reimburse the complete amount i.e Rs.73310/- to the petitioner spent by him on medical treatment of his wife.

(RITU BAHRI)
JUDGE

18.03.2016

G Arora