

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 9795 of 2014
Date of Decision: 02.3.2016.**

Tarsem Singh

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.S.Dhami, Advocate
for the petitioner.

Mr. Agam Jund, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 226 of Constitution of India seeking a writ in the nature of mandamus directing the respondents to reimburse the medical expenses incurred by him for his treatment as an indoor patient.

Case of the petitioner, in brief, was that he had retired as Deputy Commandant on 31.12.1995 on attaining the age of superannuation. Along with pension, petitioner was also being paid ₹ 100/- per month as medical allowance. In the year 2012, petitioner suffered heart problem and took treatment from Hero DMC Heart Institute, Ludhiana and incurred expenses to the tune of ₹ 1,99,672/- on his treatment. Petitioner submitted the medical bills for reimbursement to the respondents but no action had been taken on the same so far. Petitioner has placed reliance on decision of this Court in CWP No. 11494 of 2007 decided on 13.3.2008

(Annexure P-4) wherein it was held as under:-

“A perusal of the above text makes it clear that fixed medical allowance @ Rs.100/- p.m is given to the Central Government pensioners residing in areas not covered by CGHS for meeting day-to-day medical expenses which do not require hospitalization. Therefore, as the petitioner was getting fixed medical allowance of Rs.100/- per month for meeting day-to-day medical expenses that do not require hospitalization, he is entitled to reimbursement of medical expenses for his heart ailment for which he remained hospitalized in Escorts Hospital, New Delhi, and had to undergo by-pass surgery.

For the aforesaid reasons, this writ petition is allowed and the respondents are directed to reimburse the medical expenses incurred by the petitioner during his treatment in Escorts Hospital, New Delhi, equal to the rates of A.I.I.M.S, New Delhi.”

Respondents, in their written statement, have averred that petitioner was being paid ₹ 100/- per month by way of medical allowance, therefore, medical reimbursement sought by the petitioner could not be granted to him. It was further averred that the decision Annexure P-4 given by this Court had been challenged by the respondents before the Hon'ble Supreme Court of India.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Case of the petitioner is that he was liable to be granted

the relief sought by him in view of the judgment given by this Court Annexure P-4. During the course of arguments, it has transpired that Civil Appeal bearing No. 357/2009 filed by the respondents against the decision Annexure P-4 has been dismissed by the Hon'ble Supreme Court of India vide order dated 14.10.2015. In view of the said situation, the writ petition filed by the petitioner is liable to be allowed in view of the decision given by this Court Annexure P-4.

Accordingly, this petition is allowed. Respondents are directed to reimburse the medical expenses incurred by the petitioner qua his treatment in Hero DMC Heart Institute, Ludhiana equal to the rates of A.I.I.M.S., New Delhi. Respondents are directed to do the needful within two months from the receipt of certified copy of this order.

**(SABINA)
JUDGE**

March 02, 2016
Gurpreet