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

**RSA No.215 of 2016 (O&M)
Date of decision: January 20, 2016**

State of Punjab and others

.....Appellants

Versus

Sawinder Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.D.S. Sidhu, Addl. AG Punjab.

SABINA, J

Respondent had filed suit for declaration seeking reimbursement of her medical claim.

The case of the respondent, in brief, was that she had joined as a Teacher with the defendants on 25.07.1970 and had retired on attaining the age of superannuation on 31.01.2007. After retirement, respondent underwent treatment as she was suffering from breast cancer. Respondent had incurred expenses to the tune of ₹1,33,088/-. Respondent had submitted relevant bills to the defendants, but the expenses incurred by her on her treatment had not been released to her.

Defendants in their written statement averred that the respondent had failed to produce chronic disease certificate for the relevant period of treatment, i.e. from 24.09.2007 to 05.06.2008. The relevant bills for medical

reimbursement submitted by the respondent were forwarded to civil surgeon for verification, but the same were returned with the objection that the chronic disease certificate was necessary.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to the relief of declaration as prayed for?OPP
2. Whether the plaintiff is entitled to the relief of mandatory injunction as prayed for in the head note of the plaint?OPP
3. Whether the plaintiff has not come to the Court with clean hands?OPD
4. Whether the plaintiff has not availed proper and efficacious remedy available with her for redressal of her grievances?OPD
5. Whether the plaintiff has no cause of action to file the present suit?OPD
6. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 29.04.2014 decreed the suit by the respondent-plaintiff. The said judgment/decreed were upheld by the First Appellate Court in an appeal filed by the appellants-defendants vide judgment/decreed dated 07.07.2015. Hence, the present appeal by the appellants-defendants.

I have heard learned State counsel and have gone

through the record available on the file carefully.

Admittedly, respondent had worked with the defendants from 25.07.1970 till 31.01.2007. Respondent underwent treatment as she was suffering from breast cancer and submitted the medical bills for reimbursement. The case of the defendants was that the respondent could not be released the amount in question as she had failed to submit chronic disease certificate. However, respondent proved on record Exhibit P8 chronic disease certificate which was valid from 24.07.2009, but it was issued after the date of the medical bills. Respondent while leading her evidence had proved the relevant treatment record. Since the respondent had been successful in proving that she had undergone the treatment for her ailment, the Courts below rightly held that the defendants were liable to release the expenses incurred by the respondent on her treatment.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

January 20, 2016
mahavir