

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12182 of 2000 (O&M)
Date of Decision: 05.04.2017.

P.S. SOOD *...Petitioner*

VS.
STATE OF HARYANA AND OTHERS *...Respondents*

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Amrit Paul, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana

KULDIP SINGH, J (ORAL)

Brief facts of this case are that the petitioner retired on 31.01.1996 as Chief Inspector from Haryana Roadways, Faridabad-respondent No. 4. On 02.01.1999 he had visited Delhi to meet his daughter where he suffered heart attack and was rushed to Escorts Heart Institute, Delhi where his angiography was carried out. He was later on discharged on 03.01.1999. The medical bills for the said treatment/procedure have since been reimbursed. Thereafter, the petitioner was treated as an “outdoor patient” w.e.f. January 1999 to February 2000 at the said Escorts Heart Institute, Delhi and regarding the same, certain bills were raised by the petitioner. The first bill raised in the month of January 1999, as mentioned in the para No. 31 of the writ petition, has been reimbursed. Now, the dispute is regarding the bills No. 2 to 13, the details of which are reproduced as under: -

<i>Sr. No.</i>	<i>Month</i>	<i>Amount</i>	<i>Outdoor or Indoor</i>	<i>When submitted/sent</i>
<i>1.</i>	<i>February, 1999</i>	<i>9224/-</i>	<i>Outdoor treatment received in continuation of the said indoor treatment (vide (Annexure P-1 and P-2)</i>	<i>Sent vide letter dated 15.07.1999 (Annexure P-7)</i>
<i>2.</i>	<i>March, 1999</i>	<i>992/-</i>	<i>-Do-</i>	<i>Sent vide letter dated 15.07.1999 (Annexure P-7)</i>

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3.	April, 1999	895/-	-Do-	Sent vide letter dated 15.07.1999 (Annexure P-7)
4.	May, 1999	937/-	-Do-	Sent vide letter dated 15.07.1999 (Annexure P-7)
5.	June, 1999	714.50	-Do-	Sent vide Annexure P-9
6.	July, 1999	854/50	-Do-	
7.	August, 1999	711/-	-Do-	Sent vide Annexure P-22
8.	September, 1999	1002/-	-Do-	Sent vide Annexure P-17
9.	October, 1999	1002/-	-Do-	
10.	November, 1999	961/-	-Do-	Sent vide Annexure P-22
11.	January, 2000	743.50	-Do-	Sent vide Annexure P-24
12.	February, 2000	668.50	-Do-	

It is also claimed by the petitioner that after filing of the writ petition, he had to go undergo heart bypass surgery.

The written statement of the respondents shows that the petitioner was issued chronic disease certificate. It was also mentioned in the written statement that the petitioner is getting ₹ 500/- per month as a fixed medical allowance. Therefore, in view of the instructions dated 11.08.1992, payment of the above said bills, for the outdoor treatment, was denied.

I have heard the learned counsel for both the parties and have carefully gone through the case file.

Learned State counsel has relied upon paragraph No. 3 of the said instructions dated 11.08.1992 (Annexure P-12) which is reproduced as under: -

“(3) Persons claiming reimbursement on chronic diseases will not be entitled to any other medical allowance

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either at fixed rates or at the rate of ₹ 100/- per month as outdoor patient. No employee claiming reimbursement on account of outdoor treatment or chronic diseases will be entitled reimbursement of more than ₹ 500/- per month. The instructions issued vide Govt. letter No. 2/59/88-1HB-III, dated 17.07.1992 for reimbursement of expenses incurred on the treatment of ten chronic diseases as outdoor patient may be treated amended to this extent.”

Learned counsel for the petitioner has produced the authority of this Court in a case titled as **Renu Saigal Vs. State of Haryana; 1998 (4) RSJ 557**, wherein the same policy was under consideration. The Single Bench of this Court while considering the above noted paragraph No. 3 of the instructions dated 11.08.1992 (*Annexure P-12*) has passed the following order: -

“ I am, therefore, of the opinion that the present petition deserves to succeed and the same is accordingly allowed. Paragraph 3 of the Government instructions (Annexure P-9) dated 11.08.1992 insofar as they deny the benefit of full medical reimbursement to an outdoor patient is quashed and a direction is issued to the respondents to make full reimbursement of the medical expenses incurred by the petitioner both as an indoor patient and an outdoor patient within a period of one month from the date that a certified copy of this order is supplied to them. The petitioner shall also have her costs which are quantified at ₹ 1000/-. Dasti order.”

Since, the above noted paragraph III of the instructions dated 11.08.1992 (*Annexure P-12*), so far as denying the benefit of full medical reimbursement to the outdoor patient, has already been quashed, therefore, the petitioner is entitled to the medical reimbursement of the above noted

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Consequently, the petition is allowed. Respondents are directed to pay the amount equal to the above noted medical bills alongwith interest @ 9% per annum, starting from the date it became due till its actual payment, within three months from the date of receipt of certified copy of this order.

April 5, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	:	✓ Yes	/	No
Whether Reportable	:	✓ Yes	/	No