

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13249 of 2012(O&M)
Date of Decision:-23.08.2017.

S.N. Dahiya

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Ms. Anita Balyan, Advocate for the respondents-UIOI.

P.B. BAJANTHRI, J. (Oral)

Petitioner has questioned the validity of order dated 16.05.2012 (Annexure P-4) passed by the third respondent by which petitioner's claim for medical reimbursement to the extent of ₹ 1,80,000/- has been rejected on the score that petitioner was not a member of CGHS as on the date of undergoing medical treatment (surgery). On 2.1.2012 identical matter was decided by this Court in LPA No.2372 of 2011. This Court relied on Delhi High Court decision rendered in **Kishan Chand** Vs. **Govt. of N.C.T. and others** decided on 12.3.2010 wherein legal position has been summarized.

Extract of the order reads as under:-

“1) Even if employee contributes after availing medical facilities, and becoming member after treatment, there is entitlement to reimbursement (DB) Govt. of NCT Vs. S.S. Sharma: 118 (2005) DLT 144.

- 2) *Even if membership under scheme not processed the retiree entitled to benefits of Scheme - Mohinder Pal V. UOI : 117(2005) DLT 204.*
- 3) *Full amounts incurred have to be paid by the employer; reimbursement of entire amount has to be made. It is for the Government and the hospital concerned to settle what is correct amount. Milap Singh V. UOI: 113(2004) DLT 473.*
- 4) *The pensioner is entitled to full reimbursement so long the hospital remains in approved list P.N. Chopra V. UOI, (iii) 2004 DLT 190.*
- 5) *Status of retired employee not as card holder: S.K. Sharma V. UOI : 2002 (64) DRJ 620;*
- 6) *If medical treatment is availed, whether the employee is a cardholder or not is irrelevant and full reimbursement to be given. B.R. Mehta V. UOI: 79 (1999) DLT 388.”*

In terms of the decision passed in LPA No.2372 of 2011 dated 02.01.2012, Annexure P-4 dated 16.5.2012 is set aside. The third respondent is hereby directed to reconsider the petitioner's claim for medical reimbursement in terms of the LPA decision cited supra and take a decision within a period of 8 weeks from the date of receipt of certified copy of this order.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

August 23, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.