

The petitioner is working as a Lecturer (Political Science) in the Education Department, Haryana, and posted at Government Model Sanskriti Senior Secondary School, GT Road, Panipat. The husband of the petitioner is dependent upon her. Her husband got admitted on 28.10.2005 and got treatment from Metro Hospital and Heart Institute, Noida, and underwent coronary angiography followed by PTCA with stenting to LCX which was held on 29.10.2005. The emergency certificate (Annexure-P-1) was issued by the said Metro hospital on 31.10.2005. The husband of the petitioner was discharged in stable condition on 31.10.2005. The essentiality certificate for medical reimbursement was submitted on 10.3.2010. The same were rejected by the Director, Secondary Education, Haryana, Panchkula, vide order dated 7.1.2013 (Annexure-P-7), stating that these are not covered under the instructions of the State Government dated 11.12.2003.

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The stand of the State in the written statement is that as per the State Government instructions dated 11.12.2003 (Annexure-R-1), the medical bills are time barred and cannot be entertained.

Heard.

The relevant extracts from the instructions dated 11.12.2003 (Annexure-R-1) regarding medical treatment reimbursement time limit for preferring claims are reproduced as under :-

“2. The matter regarding time limited for preferring claims for reimbursement of medical expenses incurred by the Government employees/officers on their own treatment or on the treatment of their xxx it has been decided that the Secretary of the Administrative Department concerned shall be competent to sanction medical claims submitted after 6 months but within a period of 12 months from the date of completion of treatment without referring the same to the Health Department. The Medical claims submitted after a period of 12 months from the date of completion of treatment shall be referred to the Health Department in order to curb the tendency of unnecessary delay in submission of medical claims. The Health Department will entertain such medical claims only after strict scrutiny and in such exception cases where there are genuine mitigating circumstances i.e. like the death of the employee resulting in delay in submitting claims etc. These instructions shall come into force with immediate effect.

This issues with the concurrence of the Finance Department conveyed vide their U.O. No. 70/208/2003-6 FD-II/4052 dated 3.11.2003.”

The perusal of the above instructions shows that if the medical claims are submitted after 12 months from the date of completion of treatment, the matter is to be referred to the Health Department, Haryana, and then the health department is competent to decide about the same. The

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said instructions dated 11.12.2003 (Annexure-R-1) do not say that if the bills are submitted after a period of one year, which happened in the present case, the medical reimbursement bills are to be straightway rejected. Therefore, the Director, Secondary Education, Haryana, Panchkula, was not competent to reject the medical reimbursement bills. Hence, the order dated 7.1.2013 (Annexure-P-7), passed by the Director, Secondary Education, Haryana, Panchkula, is hereby quashed. Respondents are directed to submit medical reimbursement bills of the petitioner to the Health Department, Haryana, for passing necessary orders under the instructions dated 11.12.2003 (Annexure-R-1). Let the Health Department, Haryana, take a decision within three months from the date of receipt of medical reimbursement bills.

In view of the matter, the present writ petition is allowed to the abovenoted extent.

(KULDIP SINGH)
JUDGE

5.4.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No