

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
**Sr. No.: 205**

**Civil Writ Petition No.20105 of 2013 (O & M)**  
**Date of Decision: October 04, 2017**

Prem Lata

..... PETITIONER

*VERSUS*

State of Haryana & others

..... RESPONDENTS

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

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**PRESENT:** -    Mr. Jai Bhagwan, Advocate, for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. C.S. Singh, Advocate, for Mr. G.S. Hooda,  
Advocate, for respondent No.2.

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**Jaspal Singh, J**

The instant writ petition has been filed under Article 226/227 of the Constitution of India, for issuance of a writ in the nature of certiorari, quashing order dated May 30, 2013 (Annexure P-1) issued by respondent No.1 and order dated June 07, 2013 (Annexure P-2) issued by respondent No.2, vide which, medical reimbursement claim amounting to ₹ 1,55,060/- has been rejected. Further, prayer is for issuance of a writ in the nature mandamus, directing the respondent – Board to reimburse the medical

bills to the tune of ₹ 1,55,060/- to the petitioner alongwith interest @ 12% per annum from the date of submission of the bills till realization.

Learned counsel for the petitioner has contended that respondent No.2 – Board of Ayurvedic & Unani Systems of Medicine, Haryana (for short, 'Board') is funded by State of Haryana and it adopts the policies of the State. Even the appointment and pay of its employees is regulated by the State. Sri Niwas Sharma, husband of petitioner, was appointed as Head Clerk in the Board vide order dated March 13, 1974. He retired from the post of Registrar on December 31, 1989, on attaining the age of superannuation. On October 26, 2011, husband of the petitioner suffered heart attack and was got admitted in Shri Balaji Action Medical Institute, New Delhi. He was discharged on October 29, 2011. The said hospital is on the panel of State of Haryana for treatment of its employees. Petitioner incurred ₹ 1,50,060/- on treatment of her husband. Her husband again suffered heart attack on November 03, 2011 and died en-route hospital.

Learned counsel for the petitioner further contended that rules regarding medical claim/ reimbursement of medical bills applicable to Haryana Government employees are also applicable to that of respondent – Board. Medical reimbursement of State of Haryana is governed by Punjab Medical Attendants Rules, 1940.

Learned counsel has submitted that medical bill, amounting to ₹ 1,55,060/- has been rejected by the respondent – Board vide impugned order dated June 07, 2013 on the advice of respondent No.1, vide letter dated May 30, 2013. The impugned orders passed by the respondents being non-speaking and without any cogent reason, are liable to be set aside, and

petitioner is entitled to receive the amount of medical bill alongwith interest @ 12% per annum.

Per contra, learned counsel for respondent No.2 – Board has submitted that vide letter dated May 30, 2013 (Annexure P-1) issued by the State Government, Board is unable to pay the amount of medical reimbursement to the retired employees. Further, Board is an autonomous body governed by EPF Scheme. Services of husband of petitioner were governed under EPF Scheme. As per this scheme, husband of petitioner was not entitled for benefit of medical facility, and therefore, petitioner has no cause of action to file the present writ petition claiming medical reimbursement of the amount spent on her husband's treatment.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and gone through the record available but find no legal or factual weight in the submissions made by learned counsel for the respondent(s).

Undisputably, husband of petitioner served the respondent – Board and retired from the post of Registrar, on attaining the age of superannuation. Admittedly, respondent - Board has been constituted by the State Government to facilitate the administrative function(s) in the interest of general public and its employees are governed by the service conditions issued by the State from time to time. Moreover, the Board acts on the instructions issued by the Government of Haryana in respect of its employees.

Similar question came before this Bench, wherein vide judgment dated August 10, 2017 passed in CWP No.18847 of 2015 titled 'Sarvinder Mohan vs. State of Haryana & another' held as under:-

“6. Undisputably, medical allowance and reimbursement of medical bills was permitted under Rule 1.3 of Haryana Dairy Staff Cooperative Staff Service Rules, 1988. As per Rule 24.1 of Haryana Dairy Cooperative Service Rules, 1988, medical allowance and reimbursement of medical bills was admissible as per instructions issued from time to time by the Federation. As per Rule 66.1 of the aforesaid Rules, it was provided that where these rules are silent, provisions of Civil Services Rules and Instructions of Government applicable to other Government employees shall apply to other employees covered by these rules. Therefore, claim of Federation that it is not liable to pay medical reimbursement after coming into force of Service Rules, is not sustainable in the eyes of law. The stand taken by the respondent – Federation is absolutely against the settled principles of law governing reimbursement of medical bills. The petitioner is entitled to reimbursement of medical bills as per the rules & instructions of State Government which would be applicable to employees as well as the retirees of the Federation. Thus, this Court is of the considered view that petitioner is entitled to reimbursement of medical bills (Annexure P-1) as admissible under the rules at PGI rates.

7. In the light of what has been discussed above, instant writ petition is allowed; order/letter dated April

23, 2015 (Annexure P-5) is quashed; and a direction is issued to respondent No.2 – Haryana Dairy Development Cooperative Federation Limited to release the amount of medical bills (Annexure P-1) within a period of 45 days from the date of receipt of a certified copy of this order alongwith interest @ 6% per annum.”

In the light of settled proposition of law, this Court is of the considered view that impugned orders passed by the respondent authorities are not sustainable in the eyes of law and are liable to be set aside. Consequently, petitioner is held entitled for reimbursement of medical bills as admissible under the rules at PGI rates.

In a nutshell, impugned orders dated May 30, 2013 (Annexure P-1) and June 07, 2013 (Annexure P-2) are set aside. Consequently, writ petition is allowed and respondents are directed to pay the amount of medical reimbursement to the petitioner within a period of two months from the date of receipt of a certified copy of this judgment. Non-compliance of the order shall entail interest @ 9% per annum.

**October 04, 2017**  
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**(Jaspal Singh)**  
**Judge**

Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No