

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16875 OF 2017
DECIDED ON: OCTOBER 26, 2017

YASHPAL SHARMA

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gobind Rai Sharma, Advocate
for the petitioner.

Ms. Devaki Anand Sullar, AAG, Punjab assisted by
Mr. Chandradeep Mami Tripathi, XEN and
Mr. Saurav Kumar, Clerk, O/o Chief Engineer (Canal), Punjab.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to reimburse the medical expenditure amounting to ₹2,94,974/- (Annexure P-1) as well as interest @ 18% on delayed payment thereof.

2. At the very outset of the arguments, it has emerged that the bills were submitted for reimbursement in the month of June, 2016 and sanction was granted by Chief Engineer,/Canals Irrigation Department, Punjab, Chandigarh vide office order dated 22.07.2016 (Annexure P-2) only to the tune of ₹1,64,332/- out of the total amount of ₹2,94,974/-. However, there is no dispute

with regard to the difference as, as per the rules, petitioner was only entitled to ₹1,64,332/- which has since been paid to the petitioner on 09.08.2017.

3. Concededly, the bills were furnished/submitted in the concerned office by the petitioner in the month of June, 2016 yet there is delay in reimbursement of medical expenditure. At the most, department could have taken two months time for verification of the bills and sanction as well as disbursement of the amount but in the case in hand, there is delay of more than 1 year in the disbursement of the medical reimbursement and the fault lies with the respondent-State of Punjab. Otherwise also, the petitioner has been deprived of the use of the amount in question on account of its delayed payment.

4. In the light of what has been discussed above, though the instant petition with regard to the direction to the respondents to reimburse the medical expenditure has rendered infructuous, yet, the petitioner is entitled to interest on delayed payment.

5. In view of the above, the petitioner is entitled to interest @ 9% per annum after the expiry of two months from the date of submission of bills, till its realization, to be paid within a period of one month from the date of receipt of certified copy of this order.

6. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

OCTOBER 26, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned **Yes**

Whether reportable **Yes/No**