

Civil Writ Petition No.8944 of 2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.276

Civil Writ Petition No.8944 of 2014
Date of Decision: July 21, 2017

PHOOL SINGH AOLA

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Goyat, Advocate,
for the petitioner.

Mr. Charanjit Bakshi, Additional Advocate General, Haryana.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondent to release the entire amount of medical bills to the petitioner as the respondents have allowed only 75% amount of the total bills and have declined the balance

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amount.

2. Undisputably, petitioner was a regular employee of respondent-Department and retired as Superintendent from office of respondent No.2 on attaining the age of superannuation. Petitioner was admitted in Artemis Hospital, Gurgaon from April 18, 2013 to June 08, 2013 and July 02, 2013 to July 15, 2013 for treatment of his various ailments including cardiac problem. He furnished a medical bills put forth a claim of ₹22,62,896.14 and ₹4,66,371.3. However, respondents have accorded sanction to reimbursement of medical charges amounting to ₹18,13,370 plus ₹3,51,072/- total ₹21,64,442/- but has declined the payment of balance amount, to which, he is legally entitled.

3. The contention of learned counsel for the petitioner is that non-payment of said amount or rejection of claim in respect of balance amount of medical bills is illegal, unlawful and against statutory provisions. However, when a request was made by petitioner for reimbursement of entire amount, which has been referred to above, it was replied that requisite amount has already been reimbursed as per Government instructions vide letter No.2/276/2012 dated June 24, 2013. Non-payment of balance amount is a grave and manifest injustice to the petitioner, who is suffering from different ailments including cardiac problem. Petitioner is suffering from chronic disease and as such, entire amount should have been reimbursed to him to which he is legally entitled.

4. On the other hand, learned State counsel has submitted that as per medical reimbursement policy dated June 24, 2013 (Annexure P-3)

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which is applicable from May 02, 2013 and renewed on August 13, 2015 (Annexure P-4), medical reimbursement has already been made, to which, petitioner is legally entitled. Moreover, ailments with which petitioner is suffering do not come within the purview of chronic disease. As such, instant petition deserves to be dismissed.

5. After bestowing due consideration to the aforesaid rival submissions made by learned counsel for the parties, appraisal of documents available on file, this Court is of the considered view that petition has rendered infructuous in view of medical reimbursement policy.

6. In case *State of Rajasthan vs. Mahesh Kumar Sharma, 2011 (3) SLR 683; 2011 (2) SCT 482*, an employee claimed full reimbursement of medical expenses from Government. Though, Single Bench granted full reimbursement of expenses but it was challenged before Hon'ble Apex Court. While disposing of aforesaid case, it was held by Hon'ble Apex Court that where Government formulated necessary rules permitting reimbursement of medical expenses in certain situations and upto a certain limit, it is not proper to claim reimbursement of medical expenses otherwise than what was provided in the rules and employee is entitled to reimbursement of medical expenses only in accordance with rules.

7. Similarly in case *State of Punjab vs. Ram Lubhaya Bagga, 1998 (1) SCT 716; 1998 (4) SCC 117*, Hon'ble Apex Court laid down that Government would be justified in limiting the medical facilities to the extent it is permitted by its financial resources. In the said case, Government has formulated necessary rules permitting reimbursement of medical expenses in certain situations and upto a certain limit. The

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Government has been reimbursing necessary expenditure in consonance with rules formulated by it uniformly. It was further held that it would not be proper for a Government employee or for his relatives to claim reimbursement of medical expenses otherwise than what was provided in the Rules.

8. The question involved in this case was also considered and dealt with by Hon'ble Apex Court in ***State of Karnataka & another vs. R. Vivekananda Swamy***, 2008 (5) SCC 328; 2009 (9) Scale 588 in which, following observation was made:-

“24. In view of the aforementioned settled principles of law there cannot be any doubt that the Rules regarding reimbursement of medical claim of an employee when he obtains treatment from a hospital of his choice can be made limited. Such Rules furthermore having been framed the proviso to [Article 309](#) of the Constitution of India constitute conditions of service in terms whereof on the one hand the employee would be granted the facility of medical aid free of cost from the recognized government hospital and on the other he, at his option, may get himself treated from other recognized hospitals/institutions subject of course to the condition that the re-imburement by the State therefor would be limited.”

9. Adverting to the facts of the case in hand, medical bills has already been reimbursed to the petitioner in consonance with medical reimbursement policy dated June 24, 2013 (Annexure P-3), which became

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operative applicable w.e.f. May 02, 2013. It was subsequently renewed on August 13, 2015 (Annexure P-4). Though, petitioner has claimed full reimbursement relying on chronic disease instructions dated August 11, 1992 and May 28, 2003. But in view of latest reimbursement policy dated June 24, 2013, petitioner is entitled to get medical bill reimbursed in accordance with latest policy and not beyond that.

10. Undoubtedly, PGI rates plus 75% of balance amount has already been reimbursed of the medical bills submitted by the petitioner and as per aforesaid instructions, rest of amount is to be borne by concerned employee.

11. As a sequel to the aforesaid discussion, this Court does not find any merit in the instant petition. As such, instant petition is dismissed.

12. No order as to costs.

July 21, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**