

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12735 OF 2015
DECIDED ON: AUGUST 16, 2018

BALBIR SINGH

....PETITIONER..

VS.

STATE OF HARYANA AND ORS.

....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Surinder Gandhi, Advocate,
for the petitioner.

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

Mr. Vishal Garg, Advocate,
for respondents No.2 to 4.

JASPAL SINGH, J.

By virtue of 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 claim amounting to Rs.90,000/- along with interest @ 12% per annum from the date of submission of medical bills pertaining to Tuberculosis Treatment of the petitioner and also for the issuance of appropriate writ, order or direction for setting aside order dated 07.10.2014 (P-1) on the basis of which claim of the petitioner for medical reimbursement has been rejected.

2. As per the case of the petitioner unfolded in the petition, he suffered chest pain on 29.05.2012 and was admitted in Kant Hospital, Meham

Road, Bhiwani. On medical examination, petitioner was found to be suffered from Tuberculosis and remained admitted in the aforesaid hospital up to 05.06.2012. Thereafter, he remained admitted in Dhamija Chest Hospital, Bhiwani upto 18.07.2012. During the course of medical treatment, he incurred expenditure to the tune of Rs.90,000/-. Accordingly, the petitioner submitted his medical reimbursement bills to respondent No.4, which was subsequently forwarded by respondent No.4 to respondent No.5 on 24.09.2012. However, after considering the matter, respondent No.4 returned the medical reimbursement medical claim in original to the petitioner observing that the petitioner has not obtained the emergency medical certificate and as such, the same cannot be passed and the amount sanctioned. Even, the salary of the petitioner also withheld for the months of June 2012 to December 2012 and was being paid less salary.

3. Constrained with the aforesaid acts of the respondents, the petitioner served a legal notice dated 27.02.2014 (P-6) to respondents No.1 to 4 and another legal notice dated 19.05.2014 (P-7). However, claim for medical reimbursement of the petitioner was rejected.

4. At the very outset of the arguments, learned counsel for the petitioner contends that the matter in controversy is squarely covered within the parameters laid down by this Court in “***Sunil Kumar v. State of Haryana and another***” ***CWP No.9660 of 2011***, decided on 17.09.2013. After having discussed number of judgments of this Court, the aforesaid petition was disposed of in the following terms:-

“In view of the aforesaid binding

precedents this petition is disposed of with a direction to the respondents to get an opinion from the Civil Surgeon as to whether the surgery undergone by the wife of the petitioner was medically necessary or not. If the Civil Surgeon gives the opinion that the same was medically necessary then the reimbursement at the Govt. rates be made to the petitioner even though the same was not an emergency surgery. Let the necessary exercise of getting the opinion and taking consequent action thereon in terms of the direction given above be completed within a period of three months from the date of receipt of certified copy of this order.”

5. Since, the case of the petitioner stands squarely covered, the instant petition is also disposed of in the above mentioned terms as reflected in ***Sunil Kumar's*** case (supra).

6. No order as to costs.

AUGUST 16, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes/No