

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

CWP No. 1758 of 2014

Date of Decision: 19.01.2018

HARJIT KAUR

.....Petitioner

V/S

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has challenged the order dated 05.11.2013 passed by the Additional Director General of Police (Prisons) by which an application made by the petitioner for reimbursement of the amount, incurred on the treatment of her husband namely; Saggar Singh (convict), from a private hospital, outside the Jail, has been declined.

The late husband of the petitioner was convicted in a case FIR No 302 of 2005 under the provisions of sections 15/61/85 of the Narcotics Drugs Psychotropic Substance, Act registered in the Police Station Jagraon. He was sentenced to undergo imprisonment for a period of 11 years after his conviction. He was lodged in Central Jail, Ludhiana for suffering the sentence. It is alleged that her husband fell seriously ill and was referred by the Jail Doctors to the Civil Hospital, Ludhiana. However, according to the respondents, the brother of her husband; Maggar Singh, took permission from jail authorities to get treatment of his brother (Saggar Singh) from Dayanand

Medical College (DMC), Ludhiana at his own expenses. It is alleged by the petitioner that a sum of ₹2.32 Lakhs was incurred in the treatment of Saggar Singh who ultimately succumbed to his illness on 23.04.2011.

Earlier, the petitioner had approached this Court by way of writ petition bearing CWP No. 22082 of 2013 which was disposed of vide order dated 04.10.2013 with a direction to the Additional Director General of Police to decide the legal notice/representation made by the petitioner. Pursuant to aforesaid order, the Additional Director General of Police has passed the impugned order on 31.10.2013/05.11.2013 declining the prayer of the petitioner on the ground that as per Para 455 of the jail manual, if a prisoner takes special treatment outside the jail, then it has to be on his own expenses and not at the expense of the State.

Learned counsel for the petitioner has though prayed for the reimbursement of the medical expenses incurred on the treatment of late husband of the petitioner but failed to bring to the notice of this Court any provision of law on the basis of which reimbursement can be ordered.

On the other hand, learned State counsel has relied upon para 455 of the Punjab Jail Manual 1996 which has been made the basis for passing the impugned order and also a letter written by brother of the late Saggar Singh (Convict) on 30.03.2011 to the Jail Superintendent in which he had sought permission for getting treatment of Saggar Singh from the DMC, Ludhiana on his own expenses.

In view of the fact that there is no law in favour of the petitioner for the purpose of reimbursement of expenses incurred on the treatment of Saggar Singh (convict) and that there was a request made on behalf of his

brother; Maggar singh, for taking him to Specialist at his own expenses, it is not the liability of the State to reimburse the amount claim.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

January 19, 2018

(RAKESH KUMAR JAIN)
JUDGE

Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No