

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23298 OF 2015
DECIDED ON: FEBRUARY 06, 2018

ISHAR DASS KATARIA

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORP. LTD.
AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saravpreet Gurna, Advocate,
for the petitioner.

Mr. R.L. Sharma, Advocate,
for respondents No. 1 to 3.

Mr. Sukhbeer Singh, AAG, Punjab.

JASPAL SINGH, J

Through instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to reimburse medical bills pertaining to the period 11.05.2012 to 21.01.2013 amounting to Rs.1,20,039/- (Annexure P-1) and medical bill for the period 28.09.2012 to 02.10.2012 both submitted on 01.04.2013 for a sum of Rs.53,366 (Annexure P-2) as well as for grant of interest on the delayed payment of the aforesaid bills and third medical bill submitted by him on 27.06.2013 for a sum of Rs.5822/- (Annexure P-3).

2. During the course of arguments, it has emerged that after

consideration of the bills submitted by the petitioner amounting to Rs.1,20,039 (Annexure P-1) and another bill pertaining to the period 28.09.2012 to 02.10.2012 of Rs. 53,366/- (Annexure P-2), the amount to which the petitioner is entitled, has already been sanctioned and disbursed to the petitioner. This fact is further fortified by the stand taken by learned counsel for respondent No.3 in his written statement as well as letter dated 09.12.2015 (Annexure R-1) issued by Assistant Director (PMH) Health and Family Welfare, Punjab to Civil Surgeon, Sri Mukatsar Sahib.

3. As far as payment of amount of second bill is concerned, concededly, the Acharya Tulsi Regional Cancer Treatment Hospital and Research Centre, Bikaner Rajasthan was not an approved hospital by the State of Punjab or the Punjab State Power Corporation Ltd. but the amount has already been sanctioned and disbursed keeping in view the government rates/AIMS. Since, the hospital from where the treatment was got done by the petitioner was unapproved, he is otherwise legally entitled to only the amount as per AIMS and Government rates, which has already been granted.

4. Similarly, third bill submitted by the petitioner on 27.06.2013 has already been dealt with and accordingly, the amount to which the petitioner was entitled has already been sanctioned and disbursed to him. However, there is a considerable delay in disbursement of aforesaid bills for which the petitioner deserves to be compensated.

5. Undisputably, the bills (Annexures P-1 and P-2) were submitted on 01.04.2013 and treatment was taken from an unapproved hospital but the sanction was to be taken from the office of Director, Health and Family

Welfare, Punjab. Though, as per the instructions issued by Government, employee's bill should be dealt with and disbursed to the concerned employee or retiree within a period of one month from the date of its submission but at the most, the respondent could take a period of 3 months for the disbursement of the amount and after expiry thereof, the respondents are liable to compensate the petitioner by way of grant of interest on its delayed payment.

6. Accordingly, the petition is disposed of with the direction to respondents No. 1 to 3 to calculate and make the payment of interest @ 9% per annum, after the expiry of 3 months from the date of submission of medical bills (Annexure P-1 to P-3) till the date of actual payment(s), within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of order, the petitioner shall be at liberty to approach this Court.

FEBRUARY 06, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***