

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6544 OF 2015
DECIDED ON: MARCH 08, 2018

CHAND RANI

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Saini, Advocate for
Mr. Amit Mehta, Advocate,
for the petitioner.

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

JASPAL SINGH, J (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus, directing the respondents to release the amount due towards the petitioner on account of medical reimbursement of the husband of the petitioner.

2. Undisputably, the husband of the petitioner namely late Sh. Sat Pal Kakkar was working on deputation in Chandigarh and was posted as S.S. Master at Govt. Model Senior Secondary School, Sector 35, Chandigarh. He retired on 30.11.1998 from the department of School Education Haryana. On 09.01.2012, he left for heavenly abode leaving behind his wife (petitioner) as

his legal heir, who is getting family pension from the Government of Haryana. Prior to his demise, the husband of the petitioner had been suffering from various ailments and in this regard he submitted medical bill for its reimbursement which stood sanctioned vide order No.32/7-07HRM-1(5) dated 30.01.2007 (Annexure R-1) and an amount of Rs.13,166/- was sanctioned by the office of Director School Education Haryana.

3. But to the utter surprise, the aforesaid amount of Rs.13,166/- has not been disbursed to the husband of the petitioner during his life time or after his demise to the petitioner till date.

4. The only reason projected by learned State counsel for the non-disbursement of the medical bill is loss or misplacement of original medical bills but this submission of learned State counsel does not carry any legal weight especially when Rs.13,166/- stood already sanctioned and it was only to be disbursed to the husband of the petitioner or to the petitioner after the demise of her husband.

5. Without expressing much on the issue there is lapse and omission on the part of the respondent-State for non-disbursement of the aforesaid amount within some reasonable period after its sanction. No lapse or omission can be attributed to the husband of the petitioner or petitioner in the circumstances referred to above. Rather, the delay in reimbursement of the bill is attributable to the respondent-State.

6. Accordingly, instant petition is disposed of with the direction to respondents to release and disburse an amount of Rs.13,166/- already sanctioned vide order dated 30.01.2007 (Annexure R-1), that too, along with

interest @ 9% per annum from the date of filing of the instant petition till its actual payment, within a period of two months from the date of receipt of certified copy of this order. No order as to costs.

MARCH 08, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>