

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

Sr. No.115

Civil Writ Petition No.4162 of 2018
DECIDED ON: March 14, 2018

JAGDISH KOHLI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jatinder Singla, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through 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 medical bills i.e. reimbursement claim of petitioner immediate after submitted by the petitioner without any undue delay, financial injury, mental agony and sufferance in view of orders dated 28.10.2009 and 26.03.2010 (P-1 & P-2) and further to consider the representation dated 03.11.2017 (P-5).

2. The contention of learned counsel for the petitioner is that eariler wife of the petitioner preferred the CWP No.17050 of 2008, which was disposed of vide order dated 28.10.2009 (P-1) by directing the respondents to reimburse the amount within a period of three weeks of submission of medical bills. But respondents failed to comply with the aforesaid order dated 28.10.2009 and unable to release the amount within aforesaid period. Then wife of the petitioner have no option again to

Civil Writ Petition No.4162 of 2018

approach this Court for violation of aforesaid order dated 28.10.2009 by the respondents by filing COCP No.514 of 2010, which was also disposed of vide order dated 26.03.2010 (P-2) with specific direction that medical bills shall be cleared within 15 days after receiving/submitted by the wife of the petitioner, by the Director, Health Services, Punjab and Director, Public Instructions, Punjab, failing which, wife of the petitioner would be at liberty to file a fresh petition. But wife of the petitioner was died on 30.06.2010 and now petitioner is fully entitled to get/release the medical claim in view of Rule 7 and Rule 14 of Medical Attendance Rules, 1940, Volume-I. The petitioner being aggrieved of the non-disbursal of the said amount was constrained to serve a representation upon the respondents on 03.11.2017 (P-5), but no response has been received so far. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representation in a time bound manner.

3. Without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to respondent No.2 to consider the representation dated 03.11.2017 (P-5), calculate & make the payment thereof, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to have recourse to the remedies available to him as well as to approach this Court.

March 14, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No