

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

Sr. No.128

Civil Writ Petition No.6940 of 2018
DECIDED ON: March 20, 2018

JAGWANT KUMAR SHARMA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to reimburse and release the medical claims of the petitioner amounting to Rs.2,22,926/- along with interest @ 18% per annum within stipulated period.

2. Undisputably, petitioner served the legal notice dated December 15, 2017 (P-4) upon the respondents, to which reply dated January 23, 2018 (P-5) has been received. The revelant part of the aforesaid reply dated January 23, 2018 (P-5) written by the Superintendent, District Jail, Mansa to the Additional Director General of Police (Jails) Punjab, Chandigarh is reproduced and it reads as under:-

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“In this regard, it is requested to your goodself that through above mentioned letter a sum of Rs.2,00,000/- was demanded under main item 2235-S.O.E. 91 Medical but till date no budget has been allotted. Sh. Jagwant Sharma is a patient of chronic disease whose medical bill is approximately 20,000/- to 25,000/- per month. Due to non-payment of medical reimbursement of Jagwant Sharma retired Superintendent, in this regard Sh. Rajkumar, Advocate, Chamber no.241, District Court Sangrur has served a legal notice that the payment be made within a period of 30 days and in future within a period of 15 days, which is addressed to Principal Secretary, Govt. of Punjab (Finance Department), Chandigarh and your goodself. So kindly allot budget of Rs.2,00,000/- in main item 2235-S.O.E. 91 Medical so that the payment can be made to the concerned officer.”

3. A glance at the aforesaid paragraph transpires that liability to pay the medical bill has been admitted by the Superintendent, District Jail, Mansa and matter has been taken up with the Additional Director General of Police (Jails) Punjab, Chandigarh vide letter dated January 23, 2018. Despite the fact that a period of two months is going to elapse from the aforesaid letter dated January 23, 2018, nothing appears to have been done by the office of Additional Director General of Police (Jails) Punjab, Chandigarh for non-allocation of appropriate budget to meet the payment of the medical reimbursement not only of the petitioner but that of the other employees also, the sufficient amount deserves to be allocated. As far as the petitioner is concerned, he is a patient of chronic disease whose medical bill is approximately Rs.25,000/- per month and on account of non-allocation of necessary budget, he is facing hardships. It has also emerged during the

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course of arguments that medical bills of the petitioner are pending from 06.04.2017 till date and arrears is going to elapsd.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to the respondents particularly respondent No.2- Additional Director General of Police (Jails) Punjab, Rattan Building, Sector 17, Chandigarh to release the necessary budget for the satisfaction of the medical claim of the petitioner and also consider to release of the budget to satisfy the other medical bills, if any, pending with his department. The needful is expected to be done 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/direction, petitioner shall be at liberty to approach this Court.

March 20, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**