

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

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**RSA No. 602 of 2019 (O&M)
Date of decision: 29.03.2019**

**The Executive Engineer Civil Works
Division HVPNL and Anr.**

..Appellants

Vs.

..Respondent

G.C. Bajaj

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh K. Sheoran, Advocate
for the appellant.

Mr. Govind Chauhan, Advocate
for the respondent.

JAISHREE THAKUR, J. (ORAL)

The instant appeal has been filed seeking to challenge the judgment dated 04.07.2015 passed by the Additional Civil Judge (Jr. Divn.) Karnal and judgment and decree dated 23.07.2018 passed by the Additional District Judge, Karnal vide which the suit of the plaintiff for declaration had been decreed with costs.

In brief, the facts are that the respondent who had retired from service was suffering from serious ailments i.e. Diabetes, blood pressure, kidney disease and respondent is on dialysis and was admitted at Medanta Medicity Hospital, Gurgaon for treatment.

During his stay in the aforesaid hospital for the period 07.07.2014 to 01.08.2014 he incurred an expenditure amounting to ₹ 1,35, 724/- approximately. The bill after due verification was submitted for reimbursement. However, the same was

declined by the Director, Health Service Centre, Panchkula on the ground that the hospital in which he had taken treatment, empanelment of the said hospital had expired on 02.05.2014. Since the medical reimbursement was not done, the respondent herein filed a suit seeking recovery of the said amount which was allowed by the trial Court by its impugned order dated 04.07.2015. The appeal thereto was dismissed.

Counsel for the appellant herein at the very outset submits that the entire claim of the respondent could not be met because Medanta is a private hospital, even though it had been empanelled at one point of time w.e.f. 02.05.2014. It is argued that on the date the respondent was admitted, Medanta hospital was not one of the empanelled hospitals. It is argued that taking into consideration all relevant factors an amount of ₹ 1,18,652/- has been paid to the respondent herein which pertains to his admission in hospital for the period from 07.04.2014 till 01.08.2014. Counsel for the respondent does not dispute the fact that the amount of ₹1,18,652/- has already been received by him but claims that on account of the delayed payments he would be entitled to interest on the said amount.

I have heard counsel for the parties and perused photocopy of the letter dated 27.03.2019 which contains endoresement that an amount of ₹ 1,18,652/- has been paid to the respondent herein.

In view of the fact that the medical bill has been cleared as per hospital norms, this Court deems it appropriate not to

interfere in the matter any more. However, before parting with this order it is deemed appropriate to award 7% per annum as interest on the delayed payment made from the date the suit was decreed till the date of payment as there is no doubt that the respondent herein has been subjected to harassment.

However, if the cheque is not cleared the respondent herein would be at liberty to approach this Court for recalling of this order.

Disposed of .

March 29, 2019
Poonam Sharma

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No