

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(273)

CWP No. 26220 of 2018

Date of decision : 16.11.2019

Sikander Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

Mr. D.P. Gupta, Advocate for respondent No. 4.

Harsimran Singh Sethi, J. (Oral)

1. The grievance, which is being raised by the petitioner in the present writ petition, is that he had incurred a sum of ₹1,29,802/- on his treatment, which has not being reimbursed by the respondents and that too without any valid justification.

2. As per the averments made in the petition, petitioner retired as a Head Teacher from the Education Department of the Government of Punjab on 31.05.2003. After the retirement, unfortunately, on 29.09.2016 petitioner met with an accident and due to multiple fracture suffered by him, he was operated on 01.10.2016 and due to the injuries, petitioner is still not able to walk without the help of the clutches. After the petitioner was discharged from the hospital, petitioner sent the medical bills for reimbursement to the respondent-Education Department. Thereafter, Education Department forwarded those bills for the approval of the Health

Department. As the payment was not being released to the petitioner, he filed this writ petition for a direction to the respondents to reimburse the medical bills in respect of the amount, which the petitioner had spent on his medical treatment.

3. Upon notice of motion, respondents No. 1 to 3 have filed the reply and in the reply, following averments have been made by the respondents :-

“6. That the State Government vide letter dated 05.10.2018 has taken a decision to make payment of above mentioned duration as per Punjab Government Instructions dated 20.05.2016 issued by Department of Health. That is to say that the payment which now be made by the Department of Health & Family Welfare. A copy of this letter dated 05.10.2018 is annexed herewith as Annexure R-2. Therefore, in compliance of letter dated 05.10.2018, the case of the petitioner has already been forwarded to Department of Health for verifying the medical claim as per the government prescribed rate on 14.01.2019. A copy of this letter is annexed herewith as Annexure R-3. The answering deponent undertakes to make the payment to petitioner as per rules and if sanction is issued by the Department of Health, Punjab after comparing with government rate.”

4. The reply was filed in February, 2019 and even after the expiry of 9 months, learned counsel for the State is unable to state as to whether, the approval from the Department of Health and Family Welfare has been received or not for the release of the reimbursement amount of the medical bills.

5. Learned counsel for the respondents on instructions from

Ravinder Singh Senior Assistant, DPI (Elementary) states that certain

objections were raised and Department of Education is in process of clarifying the same.

6. Learned counsel for the petitioner states that it is already more than three years that the petitioner suffered the injuries and had undertaken the medical treatment and the respondents be directed to decide the claim of the petitioner in a time bound manner by passing appropriate order on the claim of the petitioner for reimbursement of the medical bills.

7. Keeping in view the above, present writ petition is disposed of with a direction to respondents No. 1 to 3 to pass appropriate orders on the claim of the petitioner with regard to the reimbursement of the amount as raised in the medical bills within a period of three months from the date of receipt of certified copy of this order.

8. It is made clear that it will be the duty of the Education Department to get the clearance, if any, from the Department of Health and Family Welfare and the claim of the petitioner shall not be disposed of by stating that the matter is pending consideration before the Department of Health and Family Welfare. It will be the duty of the Department of Education to get the appropriate orders with regard to the admissibility of the claim or otherwise from the Department of Health and Family Welfare on their own.

Writ petition stands disposed off in above terms.

November 16, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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