

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

204

**CWP No. 98 of 2015
Date of Decision: 16.5.2019**

Banarsi Lal

.....Petitioner

v.

The Union of India and others

.....Respondents

CORAM HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present:- Mr. Jagdeep Jaswal, Advocate, for the petitioner

Mr. Ashish Aggarwal, Advocate, for the respondent-UOI

G.S. SANDHAWALIA, J. (Oral) :

The petitioner seeks setting aside of the order dated 27.9.2014 (Annexure P-2), whereby medical reimbursement claim of Rs.3,25,000/-was returned, on the ground that he has retired from service w.e.f. 1.6.2013. As per the said communication, the medical reimbursement was admissible to the employees in service only. The claim, thus, is for the payment of medical reimbursement of the said amount alongwith interest for the delay.

It is not disputed that the petitioner was serving as an ASI with 151 Battalion, CRPF and having retired on 31.5.2013 and suffered a heart attack on 4.7.2014 and was admitted to Chawla Heart Care Centre, Jalandhar, where he spent the said amount for his medical expenses.

It is not disputed that the issue has come up time and again before this Court and the Division Benches have been repeatedly held that retired government employee is also entitled for reimbursement of the medical expenses and merely, on account of fixed medical allowance being

paid, the claim as such cannot be denied for indoor treatment. Reference can be made upon the judgments of **Darshan Singh Rai v. Union of India and others, 2008 (2) SCT 242'** and **'Mohinder Singh v. Union of India, 2008 (2) SCT 239'** and on judgment in CWP No. 26270 of 2015 titled as **'Union of India and others v. Mohan Lal Gupta and another'**, which has further placed reliance on **Mohinder Singh's case** (supra) and on CWP No. 10110 of 2016 titled as **Braham Prakash v. Union of India and others** decided on 9.4.2019, relevant portion of which reads as under :

“In similar circumstances, another Division Bench of this Court in LPA No. 2372 of 2011 **'Assistant Commissioner Income Tax vs. J. R. Dhingra and others'** while placing reliance upon the judgment of the Delhi High Court passed in **W.P. (C) 889 of 2007 'Kishan Chand vs. Govt. of NCT and others'** dated 12.3.2010 dismissed the appeal against the order of the learned Single Judge, whereby the appellants were directed to reimburse the medical expenses incurred for the treatment at Fortis Hospital, Mohali.”

In such circumstances, the writ petition is allowed and the respondents are directed to process the case for medical reimbursement for making the payment within a period of 2 months from the date of receipt of certified copy of this order.

In case, the amount is not paid within the prescribed period, the respondents shall pay interest from the date the amount was claimed @8% per annum.

(G.S. SANDHAWALIA)
JUDGE

16.5.2019
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No