

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

(113)

CWP-23936-2019

Date of Decision: September 24, 2019

Baldev Krishan Goyal

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamalpreet Bawa, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance, which is being raised by the petitioner is for setting aside the reply dated 30.07.2019 (Annexure P-6) given by the respondents wherein, the claim of the petitioner for the grant of interest on the medical reimbursement, has been declined.

As per the averments made in the writ petition, petitioner suffered a heart attack in February, 2017 and for treatment, he remained admitted in Metro Hospital and Heart Institute, Noida from 12.02.2017 till 18.02.2017 and spent an amount of Rs.1,82,088/-. Thereafter once again, petitioner suffered the heart problem and he was again hospitalized w.e.f. 10.06.2017 till 12.06.2017 and he spent an amount of Rs.2,35,502/- on the said treatment. After being discharged from the hospital, petitioner requested for the reimbursement of the medical bills amounting to Rs.3,35,047/-.

As the medical bills were not being reimbursed, petitioner approached this Court by filing CWP No.24071 of 2018 claiming reimbursement of medical bills, which writ petition was disposed of by this Court directing the respondents to decide the legal notice served by the

petitioner within a period of two months from the receipt of certified copy of this order. Thereafter, the respondents released the payment to the petitioner. After the release of the amount of the medical bills, petitioner again served a legal notice to the respondents on 26.04.2019 claiming the interest on the delayed payments. The said legal notice has been replied by the respondents on 30.07.2019 declining the said benefit of interest to the petitioner and the petitioner has approached this Court claiming the interest on the delayed payments.

Learned counsel for the petitioner argues that the bills were sent for reimbursement by the petitioner and according to the petitioner, the same were also sanctioned by Annexures P-1 and P-2 but the payments were not released immediately and there is a delay in releasing the payments and therefore, petitioner is entitled for the grant of interest on those payments.

The Hon'ble Supreme Court of India while considering the case of payment of interest on the delayed reimbursement of the medical bills in **Om Prakash Gargi Vs. State of Punjab and others, 1996 (11) SCC 399** held as under:-

“3. It is contended by the learned counsel for the petitioner that in several cases, the Division Bench had directed payment of interest, but in this case, they have departed from the above principle. When a special leave petition was filed by the State, this Court had dismissed the same in limine. Therefore, the petitioner is entitled to the payment of interest.

4. We do not find any force in the contention. It is true that but for the benefit of reimbursement of the amount granted by the Government, the petitioner has no right to claim reimbursement. The question is: Whether on account of delay in reimbursing the amount incurred towards medical

expenses, the State should be liable to pay also interest on the delayed payment? We are of the view that it is inexpedient and not proper to direct the State to pay interest for delay in payment of the reimbursement amount. It requires verification of the amounts spent by the petitioner and similar person. His right only is to get reimbursement and it does not follow that for the delay in the payment of medical reimbursement, he should also be entitled to interest thereon. The order passed by this Court on an earlier occasion was to the effect of dismissing the special leave petition In limine. Therefore it does not furnish any for following the same. Under these circumstances, we do not think that it would be proper to direct payment of interest on the delayed reimbursement of the medical expenses incurred by a Government servant.”

The Hon'ble Supreme Court of India held that an employee only has the right to get reimbursement and is not entitled to claim interest on the delayed payments.

Once again, the same question came up for consideration before the Division Bench of this Court in **Kartar Singh Virk Vs. State of Punjab, 1997 (3) S.C.T. 615.** While granting the benefit of medical reimbursement, it was ordered by the Division Bench of this Court that the amount of reimbursement should be released to the petitioner within a period of one month from the order passed by this Court and in default, the employee will be entitled for interest from the date of default till the date of payment but with regard to the claim of interest on the delayed payments, the same was declined by this Court. The relevant paragraph of the said judgment is as under:-

“5. Resultantly, the writ petition is allowed. It is directed that the amount of Rs.1,54,137.11 shall be paid to the petitioner within one month from the date of receipt of a copy of this order. In case of default, the petitioner shall be entitled

to the payment with interest @ 12% per annum from the date of default to the date of payment. However, the petitioner's claim for interest on account of delay is declined in view of the decision of the Supreme Court in Om Parkash Garg Vs. State of Punjab, JT 1996 (10) SC 36. No Costs.

Petition allowed.”

Learned counsel for the petitioner argues that there is a delay in the release of the medical reimbursement and therefore, the judgments cited above, will not cover the case of the petitioner and he will be entitled for the grant of interest.

Once, the Hon'ble Supreme Court of India, has held in **Om Prakash Gargi's case (supra)** that an employee is entitled for reimbursement only and not interest on the delayed release of payments, the same cannot be claimed by the petitioner as a right. Further, the said judgment has also been followed by the Division Bench of this Court in **Kartar Singh Virk's case (supra)** and it was held that no interest can be paid in view of law laid down in **Om Prakash Gargi's case (supra)**. Learned counsel for the petitioner has not been able to convince this Court as to how, the case of the petitioner is different from the **Om Prakash Gargi's case (supra)** and **Kartar Singh Virk's case (supra)** so as to entitle him the grant of interest.

In view of the above, no interference is called for with regard to declining of grant of interest to the petitioner by the respondents by the impugned order and the present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

September 24, 2019
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No