

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

212

CWP-14277-2016

Date of Decision : January 14, 2020

MAHESH KUMAR HANS & ANR

.....Petitioners

VERSUS

STATE OF HARYANA & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Sandeep Singal, Advocate for the petitioners.

Ms. Nidhi Garg, Asstt. A.G. Haryana.

NIRMALJIT KAUR, J. (Oral)

The present writ petition is filed for setting aside the communication dated 29.6.2016 Annexure P-9 which is in response to the legal notice whereby the medical expenses amounting to Rs.2,07,444/- has been rejected on the ground that the treatment has been taken from un-approved hospital in non-emergency situation.

Learned counsel for the petitioner has placed reliance on the various judgments of this Court including **Ram Pal Vs. Central Administrative Tribunal and others**, 2019(1) Law Herald (P&H) 281 as well as Annexure P-7 CWP No.1523 of 2011 decided on 7.2.2013 titled as **Om Parkash Vs. State of Haryana and others** to contend that the petitioner is entitled to the reimbursement of the expenses made on his treatment equivalent to the rates of PGIMER Chandigarh/AIIMS, even though it is not a case of emergency as long as it is not disputed that the employee has taken the said treatment.

Reply has been filed. As per the said reply and as also argued by learned counsel for the respondents, the petitioner has not produced the reimbursement claim uptill now inspite of their communication dated 16.5.2012 Annexure R-4.

In view of the above, the present writ petition is disposed of with a direction to the petitioner that he shall submit all the relevant documents to the respondents within two weeks from today. In case, the same are submitted within two weeks from today, the respondents shall decide the claim of the reimbursement of the petitioner in accordance with law as also keeping in mind the judgments referred by the petitioner herein. In case, the petitioner is found entitled to the claim, the amount shall be disbursed to the petitioner within four weeks thereafter or else a speaking order shall be passed.

January 14, 2020
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No