

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

CWP No.21393 of 2016
Date of Decision: 27.2.2020

Sita Ram Sharma

.....Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ashwani Bhardwaj, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

Prayer in the present petition is for directing the the respondent-authorities to make the payment of reimbursement of medical bill of ₹ 50,750/- to the petitioner alongwith interest @ 18% per annum.

The petitioner retired on 31.10.1993 as Tehsildar from the Sub Division Dadri, District Bhiwani, Haryana. The petitioner was residing at Hisar. However, since the year 2013, he is permanently residing with his son, who is District and Sessions Judge in Rajasthan. In the year 2014, when his son was posted at Udaipur as Additional Sessions Judge, the petitioner underwent Cataract surgery at ASG Hospital Pvt. Ltd., Udaipur and remained admitted in hospital from 16.7.2017 to 4.8.2014 and incurred expenses of ₹ 50,750/- on his treatment. The petitioner submitted his bills alongwith the documents of treatment as indoor patient to respondent No.3 for reimbursement. However, all the documents were returned to the petitioner on the ground that vide instructions dated 12.4.1983 issued by the

Government of Haryana, the Government has taken a decision that a retired Government employee can submit their bills to the nearest office, where he is permanently residing after retirement. Since, the petitioner did not submit at Udaipur where he was residing but at Dadri, Bhiwani, they have not accepted. The petitioner is therefore forced to file the present writ petition.

Written statement has been filed. In the written statement, another objection has been raised. It is contended that the petitioner is entitled for reimbursement for the treatment in the empanelled hospital only in case of emergency. 'Cataract' is not any emergency condition. Hence, he was not entitled to the medical reimbursement.

Taking up the first objection that the petitioner should apply to the nearest office from where he had taken treatment, in itself, is not sufficient to deny the reimbursement in the facts of the present case. The said policy or decision is a facility granted to the retired employees, who are residing at different places or have decided to reside with their children who reside elsewhere but that does not mean that a retired employee cannot apply at the place where he was last working. It is an extra facility provided to the retired employees and does not and cannot bar him from applying at the place he was last posted.

The second objection raised in the written statement too has no merit and cannot be sustained. The petitioner had duly supplied all the documents including the original medical bills alongwith the certificate of emergency. This is evident from the letter dated 19.1.2018 placed on record by the respondents as Annexure R-9 that all the original medical bills alongwith the emergency certificate of the petitioner were forwarded to the

Civil Surgeon, Bhiwani at Charkhi Dadri by respondent No.3. Even otherwise, it is a settled proposition of law as also held by this Court in various judgment including in the case of Rajinder singh vs. State of Haryana and others, passed in CWP-8197-2016 decided on 13.1.2020 that in case the treatment of an employee in a non-empanelled hospital is genuine and he has taken the treatment, the respondents are liable to reimburse the amount towards the treatment at the rates prescribed by All India Institute of Medical Sciences, New Delhi/PGIMER, Chandigarh for the same treatment. It is not the case here that the petitioner never undertook the treatment or that the said treatment was not required. He is not claiming more than the treatment at the Government hospital. Therefore, there is no reason to deny him the same. A person in old age residing with his son at a different place is expected to take treatment at the hospital closest to where he is residing or where the said facility is available or where he has a comfort level. In any case, all that the petitioner was asking is to reimburse the medical bills as per the rate equivalent to the treatment at the AIIMS/PGI to which he would be in any case entitled in case he had taken the treatment in the said hospital. The respondents have been raising one objection after another and denying him the genuine expenses incurred by him on flimsy grounds.

Accordingly, the present petition is allowed. The respondents are directed to reimburse the medical bills as per the AIIMS/PGI rates for the treatment taken by the petitioner. The same is allowed with costs of ₹ 25,000/-, which shall be paid to the petitioner by the way draft in his name. The medical reimbursement in the above terms as well as the costs be paid

within a period of two months alongwith interest @ 6% per annum from the date he first filed his representation (Annexure P-1) dated 24.3.2015 till the same is finally paid. In case, the same is not paid within the period of two months, the respondents shall be liable to pay the interest @ 12% per annum after the expiry of two months and the said interest @ 12% shall also be vis-a-vis the costs, if not paid within two months.

(NIRMALJIT KAUR)
JUDGE

27.2.2020

sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No