

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

CWP No.6898 of 2016
Date of Decision: 30.1.2020

Zile Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sandeep Panwar, Advocate, for the petitioner.
Mr. Gaurav Jindal, Additional Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The present writ petition is filed seeking a direction to the respondents to reimburse the amount of ₹1,29,811/- incurred by the petitioner on the follow up treatment in continuance of indoor treatment.

The petitioner is a retired employee from the post of Artificer from Irrigation Department, Haryana. He was suffering from chronic disease Hepatitis-C and was under treatment in OP Jindal Institute of Cancer and Cardiac Research, Model Town Hisar. He was hospitalized from 27.5.2015 to 28.5.2015 and thereafter was advised for treatment as outdoor patient. Since then, he is continuously under treatment. The petitioner was granted reimbursement charges amounting to ₹17,397/- only for the period from 27.5.2015 to 28.5.2015. Respondent No.3 denied the medical reimbursement amounting to ₹1,29,811/- incurred by him as an outdoor patient. The petitioner was forced to send a legal notice dated 26.11.2015. In response to the said legal notice, respondent No.3 denied the relief on the ground that he was getting fixed medical allowance of ₹ 500/- per month, so he was not entitled to the outdoor medical reimbursement bills on the basis

of the instructions dated 11.8.1992.

As per the reply, the petitioner was not entitled to the reimbursement as he did not produce any chronic disease certificate from the concerned CMO. The claim of the petitioner was once again rejected vide speaking order dated 21.6.2016.

Heard.

It is evident from the instructions dated 22.5.2003 placed on record as Annexure P-5 that in continuation of the earlier instructions, the Government decided that the complete expenses of indoor as well as outdoor treatment incurred on the chronic diseases will be reimbursed. It is evident from the list of chronic diseases, which was reviewed on 8.6.2016 that the disease suffered by the petitioner is at Sr. No.11 in the list of chronic diseases. The petitioner also submitted his medical certificate from the Board of Doctors, which is placed on record as Annexure P-6. Therefore, the very order of rejection and the speaking order are against the facts and their own instructions.

Moreover, the issue is duly covered by the various judgments passed by this Court i.e. in CWP-4458-2012 titled as J.S. Garg vs. State of Haryana and others, decided on 8.8.2013, K.C. Verma vs. The Punjab State Electricity Board, the Mall Patiala through its Secretary, 2008(3) SCT 512 and P.C. Gupta vs. Punjab State Electricity Board, Patiala and others, 1999 (4) RSJ 233 that in case a outdoor treatment is a compulsive follow up of indoor treatment, an employee is entitled to the medical reimbursement of the charges incurred by him as an outdoor patient.

The legal position is not disputed.

Accordingly, the present writ petition is allowed. The

respondents are directed to reimburse the amount due to the petitioner along with interest @ 6% per annum from the date of submission of medical bills within a period of two months. In case, the same is not paid within the stipulated period as mentioned above, the same shall be paid alongwith interest @ 12% per annum after the expiry of two months.

(NIRMALJIT KAUR)
JUDGE

30.1.2020
sharmila

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