

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

CWP NO. 21573 OF 2020

DATE OF DECISION : 15.12.2020

Nirmal Shukla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vivek Aggarwal, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

It is rather a harsh case where an unfortunate widow, who lost her husband to the battle of cancer is being made to run from pillar to post after her husband's death so as to get medical reimbursement for an amount of Rs.41,282/- incurred on the treatment of her deceased husband from 13.08.2016 to 23.08.2016, during the period he remained admitted at PGIMER, Chandigarh.

2. The claim of petitioner for medical reimbursement has been diverted by the official respondents to respondent No.4 i.e Oriental Insurance Company, on the ground that during the relevant period the State Government had floated a scheme, which though only lasted for that particular year, wherein it had been made mandatory for an employee to get himself enrolled to avail cashless benefits for medical treatment. Objection raised qua non-reimbursement of the expenses to the widow is, that the deceased ought to have enrolled himself for the aforesaid cashless scheme. In absence thereof, State

Government is not liable to reimburse the medical expenses for that particular year.

3. Given the mitigating circumstances involved in the case, where the widow was obviously over occupied attending her husband, who was suffering from prostate cancer, to which he eventually succumbed, it is over pedantic view on the part of State functionaries to expect the widow/deceased employee to have the knowledge of such an enrolment with insurance company. Deceased husband too was not in any mental condition and/or physical state to go and get himself enrolled, since he was fighting with a dreadful terminal ailment.

4. It is otherwise conceded position that the said cashless scheme was introduced only for a particular year i.e 2016. Prior thereto and later thereafter, the State Government continues to bear the expenses of its employees qua their medical treatment. That being the position, the official respondents/State Government are directed to reimburse the medical claim of the petitioner within a period of 60 days from today along with interest at the rate of 5% per annum from the date of submission of bills, till its actual realisation. If insurance company is liable to pay, as is the contention/objection, it is expected of the official respondents to carry out the procedural formalities to seek reimbursement thereof from the insurer, rather making the widow run around.

5. In case the medical reimbursement is made to the petitioner within a period of 60 days, the same shall be paid with penal interest at the rate of 15% per annum, to be calculated for the date of expiry of 60 days till its actual payment. Penal interest shall be recovered from the salary of the erring employee responsible for causing delay in the payment.

(ARUN MONGA)
JUDGE

DECEMBER 15, 2020

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Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No