

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21688-2016 (O&M)
Date of Decision: 11.11.2022

Usha Kumari Petitioner

Versus

The State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jawahar Lal Goyal, Advocate,
for the petitioner.

Mr. Harish Rathee, Deputy Advocate General, Haryana,
for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for quashing of the impugned order dated 19.08.2016 (Annexure P-25), vide which the claim of the petitioner for the reimbursement of medical bills pertaining to her chronic disease (Rheumatoid Arthritis) has been rejected by the respondents; along with certain other prayers.

The case of the petitioner is that she was suffering from chronic disease, i.e. Rheumatoid Arthritis. Before her retirement, she was getting fixed medical allowance on account of treatment of her above-said ailment. However, with retirement, the said fixed amount was stopped. In the year 2006 itself, the petitioner had submitted the option for getting actual expenses for treatment of the aforesaid problem, instead of fixed medical

allowance. Accordingly, the amount paid after November, 2006 was even recovered from the petitioner. Although because of the internal communications and involvement of the issue of competence of the authority, the option exercised by the petitioner could not be accepted till the year 2011. However, fact remains that the petitioner was not paid any fixed allowance after November, 2006. Thereafter, the petitioner had taken treatment for the above-said problem and had incurred total expenses of Rs.34,508.77/- only (Rs.19,747/- + Rs.14, 761.77/-). However, that amount has not been reimbursed to the petitioner by the respondents.

On the other hand, learned counsel for the respondents has submitted that since the option of the petitioner has been approved by the competent authority only in the year 2011, therefore, the petitioner cannot be reimbursed for the amount incurred before that date. Hence, the petition deserves to be dismissed.

Having heard the learned counsel for the parties, this Court finds substance in the arguments raised by the learned counsel for the petitioner. Needless to say that even the affidavit dated 11.03.2020 filed by respondent No.4 has categorically asserted in para No.5 that the fixed medical allowance payable to the petitioner was stopped in the year 2007 with her retirement. There is nothing in the affidavit or in the written statement to indicate that the petitioner was being paid any fixed medical allowance after the year 2007; or on the date when she actually got the treatment for which she is claiming the medical reimbursement. Not only that; the Principal of the school from where the petitioner had retired, has

also clarified the fact that the petitioner was not being paid any fixed medical allowance; and the Principal had sought certificate to that effect from the competent authority, vide letter dated 18.02.2009, which is attached as Annexure P-4. Even this has been clarified by the Principal of the school that the option was exercised by the petitioner way back in November 2006. Therefore, mere fact that the option was finally approved by the respondents in the year 2011 could be no ground to deny the medical reimbursement to the petitioner for the treatment taken in the year 2010, which is much after stopping of the payment of fixed medical allowance to her.

In view of the above, the present petition is allowed and the respondents are directed to make the payment of the amount of reimbursement of medical bills claimed by the petitioner; within a period of two months from the date of receipt of the certified copy of this order.

(RAJBIR SEHRAWAT)
JUDGE

11.11.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No