

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

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**CWP No. 2963 of 2018
Date of decision : 24.3.2022**

Vijay Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harish Nain, Advocate, for the petitioners

Mr. Rajesh Gaur, Addl. AG, Haryana

Rajbir Sehrawat, J. (Oral)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari for quashing the letter dated 11.8.2017 (Annexure P-5), issued by respondent No.3, vide which the claim of the petitioner for medical reimbursement to the tune of Rs.6,95,956/-has been rejected, by going against the judgment dated 19.3.2009 passed in **CWP No. 14935 of 2008** titled as **Krishna Sharma v. State of Punjab and others** (Annexure P-6). It is also prayed that the respondents be directed to reimburse the actual medical expenses incurred by the petitioner on account of brain surgery done to the petitioner at Sunflag Superspeciality Hospital & Trauma Centre, Rohtak in terms of policy dated 6.5.2005 at PGI, Chandigarh rates, in view of the judgment dated 7.2.2013 passed in **CWP No. 1523 of 2011** titled as **Om Parkash v. State of Haryana and others** (Annexure P-7) along with interest @ 18% per annum.

The counsel for the petitioner has submitted that the petitioner had

received treatment for posterior fossa arachnid cysts. The surgery qua that problem was conducted on 11.8.2015. Thereafter, the petitioner remained in hospital for post operational recovery and was discharged on 4.9.2015. The problem again surfaced and accordingly, the petitioner had to be admitted to the hospital again on 6.10.2015; and he was discharged on 9.10.2015. The doctor had advised to wait for some time because the problem could have re-surfaced; requiring another medical procedure. Hence, the petitioner had to wait for some time before submitting the bills for reimbursement. Ultimately, the petitioner submitted the bills to the respondents for medical reimbursement on 14.6.2017; for an amount of Rs.6,95,956/-through proper channel. However, reimbursement has been rejected by the respondents on the ground that the bills have been submitted beyond the period stipulated in the instructions meant for that purpose. The counsel has relied upon a Division Bench judgment of this Court rendered in 'Baljinder Kaur v. State of Punjab and others, 2008 (2) SCT 820', as well as, in other judgments rendered by this Court; including the judgment rendered in **Krishna Sharma** (supra) to submit that mere delay in submission of the medical bills cannot be made a ground for rejection of the same. The respondents should have considered the aspect and taken a decision on merits of the case

On the other hand, counsel for the respondents-State has submitted that as per the instructions issued by the Government, the petitioner was required to submit the medical bills between six to twelve months. However, the petitioner has submitted the same after about two years. Therefore, the order has rightly been passed by the Authorities; rejecting the case of the petitioner. Counsel has relied upon the judgment passed by this Court in **CWP**

No. 15914 of 1998 titled as '**Inder Pal Khod v. Transport Commissioner, Haryana and others**', decided on 21.1.2000.

Having heard counsel for the parties and having perused the case file, this Court finds substance in the arguments of counsel for the petitioner. The Division Bench of this Court in **Baljinder Kaur's case** (supra) has not accepted the late submissions of medical bills as a valid ground for denial of medical reimbursement. The said judgment has been followed subsequently in several judgments, mentioned above, which have been relied upon by counsel for the petitioner. Although counsel for the respondents has also relied upon the judgment of this Court, however, the said judgment happen to be a judgment delivered by a Single Bench of this Court, whereas, counsel for the petitioner is relying upon the Division Bench judgment, which has been followed in several Single Benches' judgments. The judgment relied upon by counsel for the petitioner happen to be subsequent in time; as well.

In view of the above, the impugned order passed by the respondents is quashed. The respondents are directed to take a conscious decision qua the merits of the claim of the petitioner. However, this order shall not be taken as any expression of merit in favour of or adverse to the claim of the petitioner. The Authorities shall considered the case of the petitioner independently, and in accordance with law.

Disposed of with above directions.

(RAJBIR SEHRAWAT)
JUDGE

24.3.2022

Ashwani

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