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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 681/2012

RAMESH KUMAR

..... Petitioner

Through: Mr. Pardeep Tara and Ms. Puja Anand, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sushil Raaja, SPC-UI-
Railway with Dr. S.K. Nagar, Sr. Divisional
Dental Surgeon-Northern Railway

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

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06.09.2022

1. The petitioner in this petition, under Article 226 of the Constitution of India was serving as an officer with the Northern Railways Headquarters Office. He superannuated on 30th November 1996. His wife was admitted for treatment in the Paras Hospital, Gurgaon. The treatment entailed hospital expenses of ₹ 2,00,912/-. The petitioner claimed reimbursement of the aforesaid payment from the Chief Medical Superintendent of the Northern Railways. Out of the said amount, ₹ 1,15,278/- was paid to the petitioner. The writ petition seeks a mandamus to the respondents to disburse, to the petitioner, the remaining claim of ₹ 85,634/-.

2. The basis of the petitioner's claim is not supported even by a whisper of an averment in the entire writ petition. All that is said is that the petitioner was holding card no. Medical/RELISH/I CARD



No.013238 and registration no. 671/09/RELSH/150872. Thereafter, the petition merely avers that “as per extant rules”, the petitioner was entitled to reimbursement of the medical expenses incurred for the treatment of his wife. There is no reference to the rule under which the petitioner would be so entitled. There is no reference to any judicial authority, on the basis of which the petitioner claims entitlement.

3. To a query from the Court as to how a petition could seek a monetary relief without making out any foundation for such relief in the body of the writ petition, Mr. Pardeep Tara, learned Counsel for the petitioner submits that the law in this regard is well settled and that there are a number of judgments of the Supreme Court and of this Court on the point. To a further request from the Court to learned Counsel to cite the decisions on which he seeks to place reliance, learned Counsel cited only one judgment and thereafter he left the matter to the Court.

4. The sole judgment cited by Mr. Tara, learned Counsel for the petitioner is *State of Punjab v. Mohinder Singh Chawla*¹.

5. A bare reading of the judgment in *State of Punjab v. Mohinder Singh Chawla*¹ reveals that the respondent in that case was held to be entitled to medical reimbursement on the basis of decisions taken by the Government of Punjab in proceedings held on 8th November 1991. The following passage from the said decision makes this clear:

“11. We are unable to agree with the stand taken by the

¹ (1997) 2 SCC 83



Government. It is seen that the Government had decided in the proceedings dated 8-10-1991 to reimburse the medical expenditure incurred by the Punjab Government employees/pensioners and dependants on treatment taken abroad in a private hospital. It is stated in paragraphs 2 and 3 that the Government has prepared a list of those diseases for which the specialised treatment is not available in the Punjab Government hospitals but it is available in certain identified private hospitals, both within and outside the State. It was, therefore, decided to recognise these hospitals for treatment of the diseases mentioned against their names in the enclosed list for the Punjab Government employees/pensioners and their dependants. The terms and conditions contained in the letter under reference would remain applicable. The Government can, however, revise the list in future. The name of the disease for which the treatment is not available in the Punjab Government hospitals is shown as Open Heart Surgery and the name of the private hospital is shown as Escorts Heart Institute, New Delhi as one of the approved hospitals/institutions. Thus, for open heart surgery or heart disease the Escorts Heart Institute is an authorised and recognised institution by the Government of Punjab. Consequently, when the patient was admitted and had taken the treatment in the hospital and had incurred the expenditure towards room charges, inevitably the consequential rent paid for the room during his stay is an integral part of his expenditure incurred for the treatment. Consequently the Government is required to reimburse the expenditure incurred for the period during which the patient stayed in the approved hospital for treatment. It is incongruous that while the patient is admitted to undergo treatment, he is refused the reimbursement of the actual expenditure incurred towards room rent and is given the expenditure of the room rent chargeable in another institute whereat he had not actually undergone treatment. Under these circumstances, the contention of the State Government is obviously untenable and incongruous. We hold that the High Court was right in giving the direction for reimbursement of a sum of Rs 20,000 incurred by the respondent towards the room rent for his stay while undergoing treatment in Escorts Heart Institute, New Delhi.”



6. Mr. Tara candidly acknowledges that his client is not an employee of the Government of Punjab and that, therefore, the instructions in the proceedings dated 8th November 1991 would not *mutatis mutandis* apply to his client. He, however, submits that he is seeking to rely on the *ratio decidendi* of the aforesaid decision.

7. Times without number, the Supreme Court has held that its decisions are not to be treated as Euclid's theorems or laying down propositions of law applicable to all facts and to all circumstances². While the Supreme Court has, undoubtedly, the authority to lay down omnibus propositions of law, applicable across the board and to all citizens which would become binding as declaration of the law under Article 141 of the Constitution of India, judgments which are rendered in particular facts and circumstances with reference to particular rules, regulations, notifications or orders have necessarily to be understood and applied in the light of those notifications, rules or orders.

8. Clearly, the decision in ***State of Punjab v. Mohinder Singh Chawla***¹ is in the backdrop of instructions issued by the Government of Punjab on 8th October 1991 in respect of employees/pensioners of the Government of Punjab. It cannot be applied across the board. Mr. Tara is unable to show any rule, regulation or any other notification or authority which applies to his client and which may be analogous to the aforesaid decision taken by the Government of Punjab.

² Refer **Indian Oil Corporation Ltd v. Shree Ganesh Petroleum**, (2022) 4 SCC 463, **Madras Bar Association v. U.O.I.**, 2021 SCC OnLine SC 463, **Chintels India Ltd v. Bhayana Builders Pvt Ltd**, (2021) 4 SCC 602



9. Though he submitted that there were several decisions of the Supreme Court and of this Court on the point, as already noted hereinabove, Mr. Tara has not deemed it appropriate to cite any decision except *Mohinder Singh Chawla*¹, whereafter he has left the matter to the Court.

10. As no legal foundation whatsoever, to sustain the claim of the petitioner has been brought to the notice of the Court; the Court regrets that it is unable to come to the petitioner's aid.

11. The petition is accordingly dismissed with no orders as to costs.

C.HARI SHANKAR, J

SEPTEMBER 6, 2022/kr