

N THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-26106-2016

Date of Decision :-14.11.2023

Som Dass Attri

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Bhatia, Advocate and Mr. J.S. Bhatia, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the petitioner is claiming that he has not been sanctioned the due medical reimbursement keeping in view the amount which the petitioner had spent on the medical treatment of his wife, which is contrary to the settled principle of law.

2. Learned counsel for the petitioner submits that the question of law raised in the present petition is covered by the decision of the Co-ordinate Bench of this Court in **CWP-5378-2013 titled as Bhagwat Prasad Sharma vs. State of Haryana and others, decided on 23.02.2016**, which also related to the chronic disease relating to the same department and the said order has already attained finality upto the Hon'ble Supreme Court of India and the benefit which was sought by the petitioner therein, has already been extended in favour of the said petitioner by the respondent-department

hence, the present petition may kindly be allowed in terms of **Bhagwat Prasad Sharma (supra)**.

3. Learned counsel for the respondents has not been able to rebut the factual aspect that the petitioner herein and the petitioner in **Bhagwat Prasad Sharma (supra)** were not treated for chronic disease and the reimbursement sought therein has been allowed on the basis of 2003 instructions even though, the treatment was taken much after the promulgation of the 2003 instructions.

4. Keeping in view the fact that the question of law raised in the present petition has already been decided by a Coordinate Bench of this Court in **Bhagwat Prasad Sharma (supra)**, which judgment has already attained finality upto the Hon'ble Supreme Court of India, present petition is also covered by **Bhagwat Prasad Sharma (supra)** especially, as no differentiating fact between the present case as well as in the **Bhagwat Prasad Sharma**'s case has been brought to the notice of this Court so as to deny the benefit to the petitioner as extended by the Coordinate Bench of this Court, which judgment has already been upheld up to the Hon'ble Supreme Court of India.

5. At this stage, learned counsel for the respondents submits that as the treatment has been taken from the hospital, which is not authorized, qua the room rent, the rates as per the PGIMER, Chandigarh be made applicable.

6. Learned counsel for the petitioner submits that qua the room rent, petitioner has no objection in case the same are to be paid as per the PGIMER, Chandigarh rates.

7. Keeping in view the above, present petition is allowed in terms

of *Bhagwat Prasad Sharma (supra)*. It is made clear that room rent will be paid as per the rates of the PGIMER, Chandigarh and whatever amount which has already been paid to the petitioner, will be adjusted while making total reimbursement for which the petitioner is found entitled.

November 14, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No