

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23423-2021 (O&M)

Decided on 21.11.2023

Shree Krishan Bansal
(deceased through LRs)

... Petitioner

VS.

DHBVNL & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanjeev Kumar Yadav, Advocate for the petitioner

Mr. Rajesh Gaur, Advocate for the respondents

Sandeep Moudgil, J.

1. The petitioner (since deceased) has filed the instant writ petition under Article 226 of the Constitution seeking a writ in the nature of certiorari to set aside the impugned order dated 07.07.2021 (Annexure P9) passed by respondent No.2 vide which it has rejected/returned the medical reimbursement bills of the petitioner of Rs.1,64,456/- for his treatment for the period from 09.02.2019 till 15.02.2019. He also seeks quashing of the order dated 11.03.2020 (Annexure P6) passed by respondent NO.3 and letter dated 27.04.2020 (Annexure P7) passed by respondent No.2 vide which objection has been raised to the effect asking to “provide the prescription for medicines purchased during the stay in hospital” on the other medical reimbursement bills of the petitioner of Rs.72,403/- for his treatment from 05.02.2019 till 09.02.2019 with a further direction to process the above-said medical bills and reimburse the same to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner retired from the office of respondent No.2 on 30.09.2007 as Assistant

Foreman and thereafter on 05.02.2019, the petitioner was admitted in Aadhar Health Institute, Tosham Road Hisar for respiratory distress and on 09.02.2019, he was shifted to OP Jindal Institute of Cancer & Cardiac Research, Hisar where he remained under treatment till 15.02.2019 as per discharge summary (Annexures P2 & P3). He further submitted that the petitioner remained under stress and illness and the family members of the petitioners were not aware of the medical reimbursement policy of the respondents and hence could not apply within 12 months.

3. On the other hand, learned counsel for the respondents, on the basis of the averments made in the written statement filed by the respondents, submits that the petitioner never submitted reimbursement claim of Rs.72,403/- to the office of respondent No. 2 and instead, he submitted his medical bills to the office of XEN Op. Division DHBVN Kosli on 21.02.2020, with a delay of one year and 12 days. Normally, such bills should be submitted within one year.

4. He averred that the bill pertained to the petitioner's treatment received from 09.02.2019 to 15.02.2019, with a delay of approximately 2 years and 5 months. However, due to the delay in submission, bill could not be entertained and was returned in accordance with the instructions issued by MD HVPN Panchkula, as circulated through memo no. 119/NGE/G-191/Vol-V dated 05.02.2004 (Annexure-P-1).

5. Heard learned counsel for the parties and gone through the record.

6. Reliance can be placed on the judgment of this Court in **Baljinder Kaur vs. State of Punjab & ors. (CWP-17827-2007)** decided on 24.01.2008 wherein reliance was further placed upon a decision of this Court in the case of [Rajwant Kaur v. State of Punjab](#) 2002 (1) R.S.J. 183, in which in similar circumstances, medical reimbursement claim was declined on the ground of limitation that it should have been filed within six months, though, same was filed after one year and two months. In the reported case, not only the alleged instructions of submission of claim within six months was held to be irritation, illogical and oppressive, but were also struck down. It was further held as under:

“...At the most, the petitioner can be deprived of the interest part of the prayer. The reimbursement of medical bills is not an act of bounty or charity on the part of the State Government or Union of India. As employee is entitled to the medical reimbursement as per the rules and such claim should be sympathetically viewed by the dealing Assistant and Officer. Unnecessary objections raising the miseries of the claimant should be avoided. By this attitude alone the images of the government can improve. Negative approach should be curtailed and curbed in such like matters.”

7. That apart, it is an admitted position of fact that the petitioner is governed by the medical treatment reimbursement instructions dated 05.02.2004 duly adopted by the respondents and Clause (C) thereof reads as under:-

“C) Medical Treatment Reimbursement Time Limit for preferring claims (12 Months).

(Copy of H. D. Hr. No. 2/660/2003-1 HB-III dt.11.12. 2003)

I am directed to invite your attention to this office circular No. 2/401-1 HB-III-80, dated 6. 3. 1980 on the subject cited above.

The matter regarding time limit for preferring claims for reimbursement of medical expenses incurred by the government employees/officers on their own treatment or on the treatment of thier dependants has been further considered by the Government and it has been decided that the Secretary of the Administrative Department concerned shall be competent to sanction medical claims submitted after 6 months but within a period of 12 months from the date of completion of treatment without referring the same to the Health Department. The Medical claims submitted after a period of 12 months from the date of completion of treatment shall be referred to the Health Department in order to curb the tendency of unnecessary delay in submission of medical claims. The Health Department will entertain such medical claims only after strict scrutiny and in such exceptional cases where there are genuine mitigating circumstances i.e. like the death of the employee resulting in delay in submitting claims etc. These instruction shall come into force with immediate effect.”

8. It is thus clear that the medical reimbursement claims submitted by the petitioner after the specified period of 12 months from the date of completion of treatment was required to be referred to the Health Department, who in turn, in exceptional cases and genuine mitigating circumstance like the death of the employee which resulted in delay in submitting claims etc. should have entertained the said claim. Therefore, the action of the respondents in rejecting the medical claims submitted by the petitioner is in contravention of the instructions dated 05.02.2004 and the case law, cited supra.

9. For the reasons aforestated, the writ petition is allowed and the impugned order dated 07.07.2021 (Annexure P9) passed by respondent No.2 as well as order dated 11.03.2020 (Annexure P6) passed by respondent No.3 and letter dated 27.04.2020 (Annexure P7) passed by respondent No.2 are hereby quashed and the respondents are directed to entertain the above-stated medical bills of the petitioners and reimburse the same, in accordance with law, along with interest @ 6% p.a., within a period of one month from the date of receipt of certified copy of this order failing which the petitioner shall be granted further interest @ 12% p.a.

10. Ordered accordingly.

21.11.2023
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No