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

% *Decided on: 11.04.2023*

+ LPA 695/2016, CM APPL. 46152/2016, CM APPL. 46153/2016 & CM APPL. 46154/2016

GOVT OF NCT DELHI

..... Appellant

Through: Mrs. Avnish Ahlawat, Standing Counsel along with Ms. Aliza Alam, Ms. Palak Rohmetra, Ms. Laavanya Kaushik, Mr. N.K. Singh, Advocates.

versus

RAM KUMAR KAUSHIK

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

NAJMI WAZIRI, J (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. This appeal impugns the order dated 04.03.2016 passed in W.P. (C) No. 7978/2012 which has directed re-imbursement of monies expended by the respondent towards medical treatment after his retirement in 2005. It is not in dispute that under Delhi Government Employees Health Scheme ('DGEHS') medical benefits are to endure for a life-time. That being the position, the employer-appellant would be required to reimburse the

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monies expended by the employee towards medical treatment. The impugned order has referred to a judgment in *Kishan Chand versus Govt. of NCT & Others*, WP(C) 889/2007, decided on 12th March, 2010 which has held *inter alia* as under:

“8. It is quite shocking that despite various pronouncements of this Court and of the Apex Court the respondents in utter defiance of the law laid down have taken a position that the pensioner is not entitled to the grant of medical reimbursement since he did not opt to become a member of the said health scheme after his retirement or before the said surgery undergone by him. It is a settled legal position that the Government employee during his life time or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights on the pretext that he has not opted to become a member of the scheme or had paid the requisite subscription after having undergone the operation or any other medical treatment. Under Article 21 of the Constitution of India, the State has a constitutional obligation to bear the medical expenses of Government employees while in service and also after they are retired. Clearly in the present case by taking a very inhuman approach, these officials have denied the grant of medical reimbursement to the petitioner forcing him to approach this Court. The respondents did not bother even after the judgment of this Court was brought to their notice and copy of the same was placed by the petitioner alongwith the present petition.”

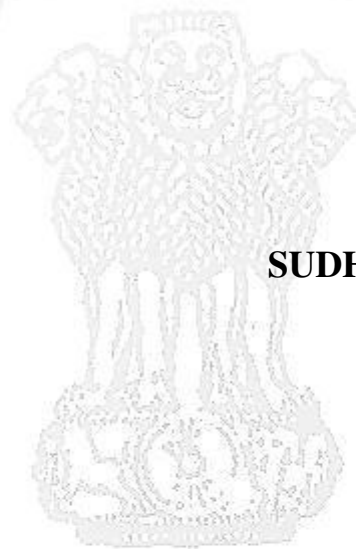
2. The respondent had paid the requisite annual subscription fees. He is covered under the Scheme and is and therefore entitled to recover the expenses incurred on account of his medical treatment.

3. In view of the above, no case is made out to interfere with the impugned order. Accordingly, the appeal, along with pending applications, is dismissed.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

APRIL 11, 2023
RW



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