

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-19056-2018 (O&M)
Decided on :12.03.2024

JAI BHAGWAN . . PETITIONER
Versus
STATE OF HARYANA &ORS . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Parveen Moudgil, Advocate for
Mr. Subhash Rana, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioner submits that the father of the petitioner who was suffering from cancer was undertaking treatment at Jindal Hospital, Hisar from 16.03.2015 to 04.11.2015 , which hospital is an approved hospital in the list of the Government of Haryana as per the policy dated 06.05.2005 (Annexure p-1) but unfortunately, the father of the petitioner died on 13.11.2015. Learned counsel for the petitioner further submits that thereafter, the petitioner submitted the medical bills incurred upon the treatment of his father for reimbursement which bills have been returned to the petitioner on the ground that the reimbursement claim qua those medical bills is time barred, which action on the part of the respondents is totally illegal and arbitrary. Hence, the present writ petition.
2. Upon notice of motion, the respondents have filed the reply wherein they have placed the reliance upon the instructions dated 11.12.2003 to hold that the claim of the petitioner is time barred.
3. I have heard learned counsel for the parties and have gone through the record with their able assistance.
4. The question which arises in the present petition is as to

whether, any medical bills reimbursement claim submitted by the petitioner after twelve months of the completion of the treatment, is to be treated as a time barred so as not to extend the benefit of the said medical reimbursement.

5. To deny the claim of the petitioner, respondent No. 3 has placed the reliance upon the instructions dated 11.12.2003, copy of which has been appended as Annexure R-1.

6. The relevant paragraph No. 2 of the said instructions dated 11.12.2003 is as under:-

“The matter regarding time limit for preferring claims for reimbursement of medical expenses incurred by the Government employee officers on their own treatment or the treatment of their dependents 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 06 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 instructions shall come in to force with immediate

effect. ”

7. A bare perusal of the above instructions would show that in case any claim is submitted by the petitioner within a period of 12 months from the completion of treatment, the said claim can be dealt by the Administrative Department straightway without referring the same to the Health Department. But in case, any bills for reimbursement are received after the completion of 12 months of the treatment, the same is to be referred to the Health Department before approving the said bills.

8. There is no provision that any medical bills submitted for reimbursement after the completion of the treatment is to be treated as time barred so as to deny the claim of the petitioner.

9. Keeping in view the above, the action of the respondents in denying the petitioner the benefit of medical reimbursement by placing reliance upon the instructions dated 11.12.2003 (Annexure R-3) is arbitrary and illegal and the same cannot be accepted.

10. Let the petitioner submit his medical bills in the administrative department for reimbursement which request be processed in accordance with law and approval from the department of Health be obtained for accepting the claim of the petitioner qua the medical reimbursement.

11. Accordingly, the present writ petition is allowed. Let the process of medical reimbursement qua the medical bills submitted by the petitioner be completed within a period of three months from date of receipt of copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

12.03.2024

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

