

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214 CWP-22341-2018 (O&M)
Date of Decision:22.08.2024

Mam Raj (since deceased through his wife as LR)

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Manoj Kumar, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

Mr. Deepak Balyan, Advocate and
Mr. Vicky Chauhan, Advocate for respondents No.4 to 6.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* for directing the respondents to release the medical reimbursement of bills amounting to Rs.8,34,118/- already submitted by the petitioner.
2. At the outset, learned counsel for the petitioner submitted that during the pendency of the present petition, the petitioner died and now on 21.08.2024 partial amount of Rs.4,37,767/- has been paid to the widow of the petitioner. He further prayed that Sheela who is the wife of late Sh. Mam Raj (petitioner), may be impleaded as legal representative of the petitioner.
3. Mr. Deepak Balyan, learned counsel for respondents No.4 to 6



stated that he has no objection in case the widow of the petitioner is impleaded as legal representative of the petitioner because partial amount has been paid to her.

4. In view of the above, Ms. Sheela wife of late Sh. Mam Raj (petitioner) is impleaded as legal representative of the petitioner. Registry is directed to carry out the necessary changes in the memo of the parties.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was an employee of respondent-Housing Board, Haryana, Panchkula (hereinafter to be called as 'Board'). He submitted that the petitioner suffered heart disease and for the purpose of treatment of the same, he was admitted in Alchemist Hospital, Panchkula on 03.08.2015 and remained there from 03.08.2015 to 16.08.2015 and had undergone Angioplasty. Thereafter, the petitioner had been regularly visiting the aforesaid hospital for the purpose of getting follow up treatment as an outdoor patient. He further submitted that bills amounting to Rs.8,34,118/- for the purpose of medical reimbursement were submitted by the petitioner to respondent-Board but now they have paid only an amount of Rs.4,37,767/- to wife of the petitioner. He further submitted that only partial amount of Rs.4,37,767/- has been sanctioned and reimbursed to the wife of the petitioner and direction may be given to respondent-Board to pay the remaining amount of medical reimbursement as per the bills which the petitioner submitted to respondent-Board. He further submitted that the wife of the petitioner is also entitled for interest on delayed payment of the amount which has now been released to her.

6. On the other hand, learned counsel appearing on behalf of the



respondent-Board submitted that the petitioner was admitted in the Alchemist Hospital, Panckula and an amount of Rs.4,37,767/- pertaining to indoor treatment of the petitioner has been paid to the wife of petitioner on 21.08.2024. He further submitted that so far as the amount pertaining to the outdoor treatment and the follow up treatment is concerned, the wife of the petitioner is not entitled for the same in view of the fact that as per the Government instructions, only fixed amount is to be paid and as such the actual charges cannot be paid to her.

7. I have heard learned counsels for the parties.

8. The disputes involved in the present case are, firstly as to whether the wife of the petitioner is entitled for the grant of interest on the delayed payment which has been paid to her on 21.08.2024 because the petitioner was admitted in the aforesaid hospital in the year 2015 and the payment has been made in the year 2024. Secondly, as to whether the wife of the petitioner is entitled for medical reimbursement for outdoor treatment and follow up treatment or not since it is the case of learned counsel for the respondents-Board that the wife of the petitioner is entitled for medical reimbursement for indoor treatment only.

9. The law in this regard is no-longer *res-integra*. A Coordinate Bench of this Court in CWP No.765 of 1998 titled as ***Krishna Kumari (dead) through LRs. Vs. State of Haryana***, held that whenever an employee takes a treatment especially for surgery in a hospital then for the purpose of follow-up treatment which is in continuation of the same, the employee cannot be denied the benefit of reimbursement of medical expenses of the follow up treatment only on the ground that in the rules it has been so provided that only



for indoor treatment, the benefits of medical reimbursement will be granted.

The relevant portion of the aforesaid judgment is reproduced as under:-

*“3. After hearing the learned counsel for the parties, I am of the opinion that the petitioner would be entitled to reimbursement of the medical expenses incurred by her on the treatment given to Girish as an indoor patient. It is evident from Annexure P-2 and P-5 dated 18th July, 1994 and 5th March, 1997 that Girish had received treatment as an indoor patient from 27th May, 1994 to 12th July 1994. The respondents opinion with regard to the nature of this treatment must therefore be held to be wrong in the light of these two annexures. The objection of the respondents with regard to the bill at No. (iii) is also unsustainable for the reasons set out in the judgment of this Court in **Satpal Kaur v. State of Punjab, 1999 (3) S.C.T. 707, C.W.P. No.16622 of 1997 decided on 19.5.1999**, wherein it has been held that outdoor treatment which was a follow up and an integral part of the indoor treatment, must also be reimbursed as indoor treatment. It is the undeniable position that there was a close connection between the indoor treatment. It is the undeniable position that there was a close connection between the indoor and outdoor treatment given to Girish for his disease and it could not be possible to separate the two.”*

10. This Court is of the considered view that the prayer of the petitioner for grant of medical reimbursement for the follow up treatment as an outdoor patient is squarely covered by the aforesaid judgment.

11. So far as the interest part is concerned, no justification has come forth from the respondents-Board as to why there was delay in granting the aforesaid payment from the year 2015 till 2024.

12. In view of the aforesaid position, the present petition is allowed. The respondents are directed to reimburse the remaining amount of medical bills of Rs.3,96,351/-(Rs.8,34,118/- - Rs.4,37,767/-= Rs.3,96,351/-) that the petitioner spent on follow up treatment as an outdoor patient, to the wife of the petitioner alongwith interest @ 6% per annum (simple). The wife of the petitioner shall also be entitled for interest @6% (simple) on the amount i.e. Rs.4,37,767/-which has already been paid to her on 21.08.2024. The aforesaid amount shall be paid to the wife of the petitioner within a period of three months from today.

13. However, there shall be no order as to costs.

(JASGURPREET SINGH PURI)
JUDGE

22.08.2024
shweta

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