**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-25631-2019 (O&M)
Date of decision: 07.05.2024

Balbir Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Kapil Kakkar, Advocate for the petitioner

Mr. Arun Gupta, DAG Punjab

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AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for quashing of order dated 19.06.2018 and 27.06.2019, vide which the Medical Claim of Rs.15,37,852/- of the petitioner incurred on the treatment of his wife has been rejected.

2. Learned Counsel submits that the petitioner was not granted medical reimbursement on account of the treatment of his critically ailing wife suffering from DSA Cerebal, who unfortunately could not survive the surgery on 07.09.2016 that she had undergone at Medanta Institute of Neurosciences, Gurugram. However, even though approval and sanction by respondent No.5-Director, Dept. of Health and Family Welfare on 20.12.2016, Annexure P-3, the reimbursement has been allowed, but on the ground that the cashless scheme has not been opted by the petitioner within time as per the notification dated 02.05.2016, Annexure R-5/2. The issue already stands decided by Co-ordinate Bench of this Court in favour of the petitioner in **Nirmal Shukla vs. State of**

Punjab and Others in CWP-21573-2020, decided on 15.12.2020, against which no LPA was filed and the said judgment also stands implemented. Relevant paras whereof read thus:

> "xx xx xx
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> 4. It is otherwise conceded position that the said cashless scheme was introduced only for a particular year i.e 2016. Prior thereto and later thereafter, the State Government continues to bear the expenses of its employees qua their medical treatment. That being the position, the official respondents/State Government are directed to reimburse the medical claim of the petitioner within a period of 60 days from today along with interest at the rate of 5% per annum from the date of submission of bills, till its actual realisation. If insurance company is liable to pay, as is the contention/objection, it is expected of the official respondents to carry out the procedural formalities to seek reimbursement thereof from the insurer, rather making the widow run around.
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> 5. In case the medical reimbursement is made to the petitioner within a period of 60 days, the same shall be paid with penal interest at the rate of 15% per annum, to be calculated for the date of expiry of 60 days till its actual payment. Penal interest shall be recovered from the salary of the erring employee responsible for causing delay in the payment."

3. Learned State counsel has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. In wake of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Nirmal Shukla** (supra).

(AMAN CHAUDHARY)
JUDGE

07.05.2024
M.Kamra

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