

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

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CWP-29551-2022

Decided on : February 02, 2024

KULWANT SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. P. K. Goklaney, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Ms. Roja Agnihotri, Advocate for respondent no.3.

NAMIT KUMAR, J. (Oral)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India seeking writ in the nature of *mandamus* directing the respondents to reimburse the medical claim of the petitioner amounting to Rs.1,74,742/-.

2. The grievance raised by the petitioner is that the above said amount was sanctioned by the Directorate of Health and Family Welfare, Punjab, vide letter dated 21.06.2021 (Annexure P-1), however, the payment thereof has not been made to him, therefore, left with no other option, the petitioner has approached this Court by way of filing the instant petition.

3. Separate replies have been filed on behalf of respondent no.1 and 2 and respondent no.3. In the reply dated 11.07.2023 filed on behalf of respondent no.3, it has been stated that the said amount has been paid in two installments i.e. Rs.1,50,000/- has been paid through Cheque No.377347 dated 31.03.2023 and Rs.24,742/- has been paid through Cheque No.377380 dated 18.04.2023, respectively.

4. Learned counsel for respondent no.3 submits that since the claim of the petitioner has already been satisfied, therefore, the instant petition has become infructuous.

5. *Per contra* learned counsel for the petitioner submits that despite the fact that the said amount was sanctioned way back on 21.06.2021, however, the payment thereof has been made to the petitioner after passing a period of about 02 years, therefore, the petitioner is entitled for interest on the part of delayed payment and cost of the petition.
6. So far as the claim of the petitioner *qua* payment of interest on account of delayed payment towards medical reimbursement, is concerned, it is a settled proposition of law by the Hon'ble Supreme Court in case titled as '*Om Prakash Gargi versus State of Punjab and others*', *SLP (C) 19497/1996 of 1996, SCC 399 : 1997 (1)* that *it is expedient and not proper to direct the State to pay interest for delay in payment of the reimbursesment amount*, therefore, prayer of the petitioner to pay interest on delayed payment is rejected, however, in view of the facts and circumstances of the present case, the petitioner is entitled to the payment of cost of the petition, which is assessed at Rs.20,000/-.
7. Ordered accordingly.
8. Let the assessed cost of petition to the tune of Rs.20,000/- be disbursed/ paid to the petitioner by respondent no.3 within a period of 02 months from the date of receipt of certified copy of this order.
9. Disposed of as having been rendered infructuous.

February 02, 2024

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(NAMIT KUMAR)
JUDGE

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