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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

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**CWP-1695-2021 (O&M).
Date of Decision: 24.04.2025.**

SANTOSH DAHIYA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Dinesh Arora, Advocate, and
Mr. Jatin Sehra, Advocate,
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

Mr. A.P.S. Sekhon, Advocate,
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the order dated
11.01.2019 (Annexure P-12) passed by the office of the Advocate General,
Haryana, whereby the medical bill claim of the husband of the petitioner had
been declined.

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2 Learned counsel appearing for the petitioner contends that the husband of the petitioner retired as an Administrative Officer from the office of Advocate General, Haryana. On account of suffering from a chronic disease, he expired on 03.10.2019. The petitioner submitted the medical bills for reimbursement of the same to the respondents, however, the same was declined leading to filing of the instant writ petition.

3 Learned counsel for the petitioner contends that the claim had been declined by the respondents for the following reasons: -

- (i) that the emergency and chronic disease certificate had not been appended along with the medical bills as would establish that the treatment was taken in an emergency,
- (ii) that the husband of the petitioner was already availing the fixed medical allowance and, as such, the running payment cannot be released; and
- (iii) that the petitioner was an outdoor patient and not an OPD patient.

4 Learned counsel for the petitioner contends that all the aforesaid three reasons do not survive since the petitioner had already furnished the medical emergency certificate on 29.08.2018. In so far as the aspect of the treatment being extended as an outdoor patient is concerned, the said issue already stands decided in favour of the employee(s) by a Division Bench of

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this Court in the matter of **State of Haryana and another Vs. Manoj Jain and others dated 27.01.2025 passed in LPA No.174 of 2022.**

5 He further contends that in so far as the third reason cited by the respondents for declining the claim on account of the petitioner availing fixed medical allowance is concerned, the issue is also ruled against the respondents in the matter of **Om Parkash Kashyap Vs. State of Haryana and others, reported as 2011 (2) PLR 645** as well as by a Division Bench of this Court in the matter of **Raghuvir Prasad Mittal Vs. State of Haryana and others, reported as 2008 (3) S.C.T. 362.**

6 Learned counsel appearing for the respondent State contends that the claim was declined not for the reasons that the husband of petitioner was an outdoor patient but for the reason that he was availing the fixed medical allowance. He is, however, not in a position to controvert the applicability of the judgment of this Court in the matters of **Raghuvir Prasad Mittal (supra)** as well as in the matter of **Om Parkash Kashyap (supra)** ruled against the State on the same issue and where an employee(s) has been held entitled to reimbursement of the medical bills despite having opted for fixed medical allowance scheme.

7 In view of the above and noticing the judgments above, the present writ petition is allowed. The impugned order dated 11.01.2019 (Annexure P-12) is accordingly set aside. The respondents are directed to process the claim for medical reimbursement submitted by the petitioner expeditiously and in any case within a period of 03 months from the date of

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receipt of a certified copy of this order. The admissible benefits shall be released thereafter within a further period of 01 month failing which the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the writ petition till its actual disbursement.

April 24, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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