



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

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CWP-1707 of 1999 (O&M)
Date of Decision: 10.07.2025

Suman Joshi

....Petitioner

Versus

Punjab State Electricity Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Fateh Singh Dhillon, Advocate for the petitioner.

Mr. Viren Sibal, Advocate,
Mr. Satyam Sharda, Advocate and
Mr. Shayon Sen, Advocate
for respondents.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present petition, the petitioner is praying for issuance of a writ in the nature of mandamus directing the respondents to disburse the remaining amount of medical reimbursement claimed by the petitioner on account of the medical expenses incurred by the deceased husband of the petitioner on account of medical treatment, along with interest.

2. Brief facts of the case are that husband of the petitioner Late Sh. R.K. Joshi was working on the post of Junior Engineer-II with the erstwhile Punjab State Electricity Board (hereinafter to be referred as 'the Board'). During his service, he was diagnosed with Cancer and remained under the treatment Mohan Dai Oswal Cancer Treatment & Research Foundation,



Ludhiana and Daya Nand Medical College & Hospital, Ludhiana. Husband of the petitioner Late Sh. R.K. Joshi expired due to Cancer on 05.07.1995. He spent Rs.1,37,487/- on his medical treatment. The petitioner duly submitted medical bills for the purpose of grant of medical reimbursement. The medical bills were sent by respondent No.2 to Chief Medical Officer, Ludhiana for seeking verification. The petitioner was asked to submit an undertaking along with medical bills. In pursuance of the abovesaid request made by the respondent, the petitioner vide letter dated 25.03.1998 (Annexure P-4), submitted an undertaking along with medical bills/discharge slips. It was requested in the abovesaid letter (Annexure P-4), that necessary medical reimbursement may be released to the petitioner at the earliest. After submission of the abovesaid undertaking, respondent released an amount of Rs.41,742/- on 25.09.1998 and an amount of Rs.41,728/- on 21.10.1998. As full amount of medical reimbursement was not released to the petitioner, she submitted a letter to respondent No.2 that the remaining amount should also be released to the petitioner. As per the petitioner, an amount of Rs.1,37,847/- was spent on the medical treatment of her deceased husband.

3. In spite of the fact that the abovesaid letter was sent to respondent No.2, remaining amount of medical reimbursement was not released to the petitioner. As a consequence thereof, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that there is no dispute in regard to the fact that the deceased husband of the petitioner was suffering from chronic disease of Cancer. It is also not in dispute that medical bills



submitted by the petitioner were genuine. As an amount of Rs.1,37,487/- was spent on the medical treatment of deceased husband of petitioner, she was entitled for grant of remaining amount of medical reimbursement. It is also contended by learned counsel for the petitioner that he is only claiming medical reimbursement of an amount of Rs.34,685/- on account of the treatment as an outdoor patient which deceased husband of the petitioner got from the recognized hospital.

5. Learned counsel for the respondents submits that remaining amount of medical reimbursement as claimed by the petitioner cannot be released or reimbursed for the reason that the medical expenses incurred by the deceased husband of the petitioner was as an outdoor patient. As such, the petitioner was not entitled for remaining amount of medical reimbursement of an amount of Rs.34,685/-.

6. I have heard learned counsel for the parties and perused the paper-book.

7. A perusal of the facts of the case would show that the deceased husband of the petitioner was suffering from Cancer and died due to the abovesaid disease on 05.07.1995. There is no dispute in regard to the genuineness of the medical bill submitted by the petitioner for the purpose of grant of medical reimbursement. The person suffering from disease like Cancer would go to the best available hospital to save his life. It is duty of the employer to release the amount of medical reimbursement at the earliest. The only contention raised by the respondent for denying the remaining amount of medical reimbursement to the petitioner is that the petitioner had



got treatment as an outdoor patient. It is not in dispute that the outdoor treatment is a compulsory follow-up of the indoor treatment. There cannot be any distinction made between the person undergoing treatment as an indoor patient and those receiving treatment as outdoor patients. Similar issue came up for consideration before the Co-ordinate Bench of this Court in CWP No.16545 of 1998 titled ***Dr. Surekha Vs. State of Punjab***, reported as ***1999(2) S.C.T. 777***. A relevant extract from the abovesaid judgment is reproduced hereunder:-

“4. This matter stands concluded in the petitioner's favour by a Division Bench of this Court in ***Ravi Kant . State of Haryana. 1998(3) R.S.J. 705: 1998(4) SCT 206 (P&H)***; and also a Single Bench decision in ***Renu Saigal v. State of Haryana. 1998(4) RSJ 557: 1998(4) SCT 565 (P&H)*** The principles were also applied by a Division Bench in a short order in ***Jagsir Singh Sandhu u. Punjab State Electricity Board, C.W.P. No. 15938 of 1993, decided on 1st February 1999***. In all these cases, it was held that no distinction could be made between persons undergoing treatment as in-door patients and those receiving treatment as out-door patients. The judgments aforementioned fully cover the facts of the present case. This petition, is accordingly, allowed and it is directed that the respondents will reimburse the expenses incurred by the petitioner on her treatment as an out-door patient as a follow up to the transplant operation that she had undergone within a period of one month from the date that a certified copy of this judgment is supplied to the respondents. It is also directed that as the petitioner's treatment is prolonged and very expensive, the bills tendered by her hereafter will be defrayed within one month



from the date they are received by the respondents. No order as to costs. Dasti order.”

8. Taking into consideration the facts of the case and the above said pronouncement in *Dr. Surekha’s case* (supra), I see no reason as to why the claim of the petitioner cannot be accepted when the treatment was genuinely necessary and is supported by valid medical bills. Accordingly, the present writ petition is allowed with a direction to the respondents to reimburse the medical expenses incurred by deceased husband of the petitioner on his treatment as an outdoor patient i.e. an amount of Rs.34,685/- and release the same along with special costs of Rs.10,000/- within a period of one month from the date of receipt of certified copy of this order.

DEEPINDER SINGH NALWA
JUDGE

July 10, 2025
d.gulati

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