



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

104**CWP-15360-2025****Date of Decision: 07.08.2025****Union of India and others****....Petitioners****Versus****Surinder Mohan and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sourabh Goel, Advocate
Senior Panel Counsel, UOI with
Ms. Deify Jindal, Advocate
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order passed by the Tribunal dated 19.01.2023 (Annexure P-4) by which, the benefit of medical reimbursement has been allowed in the favour of the respondent-employee for the treatment undertaken by his wife.

2. The Coordinate Bench vide order dated 27.05.2025 had directed the petitioner to inform this Court that as by the impugned order dated 19.01.2023, a large number of Original Applications were allowed by the same order granting the benefit of medical reimbursement to the employees, whether, the orders passed qua other Original Applications have been challenged or not.



3. Learned counsel for the petitioners very fairly submits that he has not been able to get the information qua all the Original Application but, with regard to the two of the Original Applications, which related to the department in question, it was decided to accept the judgment. Learned counsel for the petitioner very fairly submits that on 15.04.2024, in the case of one Ramesh Kumar Sharma, who had filed Original Application No.764 of 2021 and was also decided by the impugned order dated 19.01.2023, the order has been accepted and implemented also.

4. Learned counsel for the petitioners submits that in whichever case, the amount to be reimbursed for medical expenses incurred by an employee, was within the jurisdiction of the department, the same has been allowed and in the case of one Ramesh Kumar Sharma, such amount to be reimbursed was within the jurisdiction of the department and has already been paid by accepting the judgment. Learned counsel submits that wherever, such an amount was to be approved by the Board for reimbursement to employee concerned, the same has been sent for the approval of the Board and in the case of the respondent herein, the Board has directed to challenge the order.

5. A bare perusal of the above would show that the respondents have accepted the same judgment in the case of one Ramesh Kumar Sharma the benefit of reimbursement has been extended on same ground but, the same grounds are being challenged herein in the writ petition merely on the ground that in the case of the respondents herein, the approval for reimbursement is to be given by the Board and the Board has directed to file the petition. The argument which is being raised to deny the benefit of medical reimbursement to the respondents is that the respondent was getting fixed medical allowance



and therefore, is not entitled for reimbursement of the medical expenses.

6. We have the learned counsel for the petitioners and have gone through the record with his able assistance.

7. It may be noticed that the issue with regard to the grant of medical reimbursement to the employees, who were receiving the benefit of fixed medical allowance has already been dealt with by a Coordinate Bench of this Court in ***Braham Prakash vs. Union of India and others***, CWP-10110-2016 decided on 09.04.2019, wherein it has been held that even where the employee has been granted the benefit of fixed medical allowance keeping in view the area where they were residing as the same was not covered by the CGHS, benefit of medial reimbursement was granted. Learned counsel for the petitioner has not been able to dispute the said principle of law.

8. Further, with regard to the grant of treatment and medical reimbursement has been discussed extensively by the Hon'ble Supreme Court of India in ***Shiva Kant Jha vs. Union of India***, AIR 2018 SC 1975. In the said judgment, the Hon'ble Supreme Court of India has held that the halth of the retired employees and their family is paramount and the reimbursement of the medical expenditure incurred cannot be denied especially when, it has been proved that medical treatment has been undertaken.

9. Keeping in view the totality of the circumstances and the law settled reproduced herein before coupled with the fact that the petitioners themselves decided to implement the order impugned by them even qua the respondents herein and in case of another employee namely Ramesh Kumar Sharma, no writ petition has been preferred by the petitioner by accepting the same order dated 19.01.2023, hence, no ground is made out for interference by



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-: 4 :-

this Court.

10. The present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 07, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No