

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:096363



Civil Writ Petition No. 24214 of 2022 (O&M)
Date of Decision: 30.07.2025

Rajbir Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Vijay Pal, Advocate, for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana
for the respondents.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present petition has been filed invoking writ as well as supervisory jurisdiction of this Court under Articles 226/227 of the Constitution of India praying for the following reliefs:-

- “A) A Writ in the nature of mandamus for directing the respondents to grant the claim of medical reimbursement of the petitioner (i.e. Rs.1,52,364/-) along with interest at the rate of 24% per annum from the date of the submission of claim in light of the judgments passed by this Hon'ble Court in “Baljinder Kaur vs. State of Punjab, 2008(5) SLR 16 (P-10), “Dalip Rai Nayyar vs. The Chief Secretary, Government of Haryana 2012(3) SLR 711”.
- B) A writ in the nature of certiorari to quash the impugned order 30.05.2013 (P-5) and 25.06.2013 (P-6) whereby the claim of medical reimbursement to the petitioner was rejected on the ground as time barred and the treatment was obtained outdoor, infact, the petitioner was admitted on 19.09.2011 and discharged on 24.09.2011 (P-1) for his Neuro surgery in the Hospital and the delay in submission of medical claim occurred due to his mental illness.”

2. The petitioner, who is presently a senior citizen and has attained the age of superannuation, had filed this petition claiming medical reimbursement for his own treatment, for which he remained admitted in the Hospital from 19.09.2011 to 24.09.2011. The application for claiming medical reimbursement was filed by the petitioner with some delay on 07.05.2013 and thus the said claim merely on the ground of delay was rejected by the District Elementary Education Officer, Jind vide order dated 30.05.2013 (Annexure P-5) as well as Block Education Officer, Julana (Jind) vide order dated 25.06.2013 (Annexure P-6).

3. State of Haryana has filed written statement and a perusal thereof indicates fair stand taken by the State of Haryana where executive instructions dated 11.12.2003 (Annexure P-9) have been reproduced which for ready reference and convenience are reproduced hereinbelow:-

“2. The matter regarding time limit for preferring claims for reimbursement of medical expenses incurred by the government employees/officers on their own treatment or on the treatment of their dependents has been further considered by the Government and it has been decided that the Secretary of the Administrative Department concerned shall be competent to sanction medical claims submitted after 6 months from the date of completion of treatment without referring the same to the Health Department. The medical claims submitted after a period 12 months from the date of completion of treatment shall be referred to the Health Department in order to curb the tendency of unnecessary delay in submission of medical claims. The Health Department will entertain such medical claims only after strict scrutiny and in such exceptional cases where there are genuine mitigating circumstances i.e. like the death of the employee resulting in delay in submitting claims etc. These instructions shall come into force with immediate effect.”

4. A bare perusal of the aforesaid instructions reveal that even those claims which are submitted after 12 months, can be considered by the Health

Department at the level of the Secretary of Administrative Department. The present claim for reimbursement was submitted after about one year by the petitioner.

5. The claim for medical reimbursement, which is otherwise due to the petitioner, cannot be denied merely on specious ground of marginal delay since such right is directly linked to the right to life under Article 21 of the Constitution of India. More so the aforesaid instructions of the State of Haryana empower the competent authority to condone any delay in submitting medical claim.

6. In view of the above, the impugned orders passed by the District Elementary Education Officer, Jind vide order dated 30.05.2013 (Annexure P-5) as well as Block Education Officer, Julana (Jind) vide order dated 25.06.2013 (Annexure P-6) are quashed with a direction to respondents No.3 and 4 to forward the claim of the petitioner for medical reimbursement along with all documents put up in the year 2013 before the Secretary of the concerned Department who in turn is directed to consider the aforesaid claim and pass a speaking order within a period of sixty days and communicate the same to the petitioner.

7. It is needless to emphasize that if the claim is found to be genuine, then the due amount of reimbursement shall be paid to the petitioner within a period of 30 days, failing which the due amount shall carry interest at the rate of 18% per annum for the period thereafter.

8. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

30.07.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/