

**CWP-4651-2019 & connected case****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(209)****CWP-4651-2019****Date of Decision : March 17, 2026****Union of India and others****.. Petitioners****Versus****Ram Singh and another****.. Respondents****(2)****CWP-35502-2019 (O&M)****Union of India and another****.. Petitioners****Versus****Manohar Lal Bansal and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR****Present:** Mr. Ashish Rawal, Senior Panel Counsel,
for the petitioners in both cases.Mr. Rajinder K. Singh, Advocate,
for respondent No.1 in CWP-4651-2019.Mr. R.S. Bajaj, Advocate,
for respondent No.1 in CWP-35502-2019.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. In the present writ petition, the challenge is to the order dated 21.03.2018 (Annexure P-4) passed by respondent No.2- Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter

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referred to as 'the Tribunal') by which, the benefit of complete reimbursement of Rs.3,47,629/- has been given by ignoring the terms and conditions of the medical reimbursement policy according to which, in case under an emergent situation, the treatment has been taken from an unpaneled hospital, the reimbursement is to be done according to the Post-Graduate Institute of Medical Education and Research (hereinafter referred to as 'PGI') rates.

3. Learned counsel for the petitioners argues that the terms and conditions of the policy are not under challenge and as per the terms and conditions of the policy, the reimbursement can only be made on the rates admissible with the PGI qua the medical treatment undertaken.

4. Learned counsel for the petitioners further submits that though, in the present case, the treatment was taken under the emergent situation, the Tribunal has directed that full reimbursement of Rs.3,47,629/- should be done, which is contrary to the policy which states that the reimbursement has to be made at PGI rates in emergent situation.

5. Learned counsel appearing on behalf of respondent No.1 submits that once the treatment was taken under the emergent situation and it is conceded fact that certain amount was incurred on the said treatment, the direction given by the Tribunal to reimburse the total amount incurred, is perfectly valid and legal.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that the medical reimbursement is a concession given to the employee and such concession is to be availed

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keeping in view the terms and conditions fixed by the employer. It is a conceded position before this Court that as per the terms and conditions of the reimbursement policy, in case in an emergent situation, the treatment has been taken from a hospital which is not on panel, still the reimbursement can be done but only at PGI rates. Once the said condition exists and is not under challenge, the reimbursement can only be claimed under such terms and conditions.

8. Whereas, the Tribunal vide order dated 21.03.2018 (Annexure P-4) has directed to grant the full reimbursement without noticing such terms and conditions of reimbursement policy and hence, the order passed by the Tribunal is perverse to the policy of reimbursement especially when the policy itself was not under challenge.

9. Keeping in view the above, the order dated 21.03.2018 (Annexure P-4) passed by the Tribunal is set aside and the respondent No.1 is held entitled to the medical reimbursement at PGI rates qua the treatment undertaken.

10. In case, there is a dispute with regard to the reimbursement made even at the PGI rates, respondent No.1 will be free to file a representation with the petitioners to claim such amount admissible on PGI rates. In case, any such representation is filed, the petitioners will decide the said representation by passing an appropriate speaking order within a period of eight weeks from the date of receipt of such representation and in case it is found that respondent No.1 is entitled to any relief, the same be granted otherwise due reasons be given to respondent No.1 for not accepting his claim.



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11. The present writ petitions are allowed in above terms. Order passed by the Tribunal dated 21.03.2018 (Annexure P-4) is set aside.
12. Civil miscellaneous application pending if any, also stands disposed of.
13. A photocopy of this order be placed on the file of other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

March 17, 2026
harsha

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No