

(2013) 08 P&H CK 0931

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP-6730-2012 (O and M)

Anju Bala

APPELLANT

Vs

Uttari Haryana Bijli Vitran Nigam
Limited and Others

RESPONDENT

Date of Decision: Aug. 22, 2013

Hon'ble Judges: M.M.S. Bedi, J

Bench: Single Bench

Advocate: Jagdish Manchanda, for the Appellant; Kartar Singh Malik, for the Respondent

Judgement

M.M.S. Bedi, J.

Husband of the petitioner namely Madan Lal son of Nikhil Chand was working with the respondent-Department as Lineman. He expired on 15.10.2008 while under treatment in Fortis Hospital at Mohali. Husband of the petitioner during his treatment produced medical bills amounting to Rs. 1,89,936/-, for the period from 13.5.2008 to 26.6.2008 before the respondents for reimbursement. The said bills were passed on 10.9.2008 but the payments were not made. After the death of husband of the petitioner, she submitted medical bills of treatment of her husband for a period from 26.6.2008 to 2.10.2008 amounting to Rs. 3,08,441/-. Though the amount of medical bills of Rs. 1,89,936/- has been reimbursed but no amount has been reimbursed for the treatment undergone by the deceased husband of the petitioner for the period 26.6.2008 to 2.10.2008. The claim has been rejected by passing the following order:-

It is intimated that medical claims has been passed in terms of Haryana Govt., Policy/Instructions duly adopted by Nigam from time to time. As per instructions dated 6.5.2005 of Haryana Govt., duly adopted by Nigam vide Memo No. Ch-7/NGE/G-191/L-3/L dated 21.12.2005 subject to substitute/deletion, an employee is getting medical allowance and taken the treatment from OPD then the same is not reimbursable. Further as per instructions the medicine for the period of 7 days after discharge from the hospital are allowed.

Keeping in view aforesaid facts, most of the deductions made due to the reason as the employee was getting cash medical allowance and the treatment is of OPD nature and therefore is not reimbursable. As per Haryana Govt. Medical Reimbursement Policy, medicine for the period of 7 days after discharge from the hospital are allowed. The medical claim made by employee has been rightly passed and Smt. Anju Bala is not entitled for the remaining amount. Therefore, the medical claim regarding balance amount is hereby rejected.

A perusal of the medical bills presented indicates that the doctors have certified that the medicines prescribed by the doctors were absolutely essential for recovery/prevention of serious deterioration in the condition of the patient.

2. In view of above circumstances, though the part of the claim of medical bills has been reimbursed but the rejection of reimbursement of remaining amount on the ground that the deceased-husband of the petitioner was not entitled for medical reimbursement as he was getting cash medical allowance, is unreasonable and not sustainable. So far as the defence taken up by the respondents that the treatment being of OPD nature the medical bills were not reimbursed is concerned, it is relevant to refer to the Division Bench Judgment of this Court in case [Ravi Kant Vs. State of Haryana and Others](#), wherein it has been held that when the treatment is taken in extension of the treatment by a patient, the amount spent on medical expenses as an outdoor patient incurred on treatment of a chronic disease will be reimbursed. The said judgment is followed by a Single Bench of this Court in *Er. K.C. Verma Vs. The Punjab State Electricity Board*, 2008 (3) SCT 512. The case of the petitioner is covered by the above said judgments. The denial of medical reimbursement to the petitioner on the ground that the treatment was of OPD nature is absolutely illegal. Therefore, a direction is issued to the respondents to reimburse the medical bills regarding the treatment of late husband of the petitioner within a period of two months after the receipt of a certified copy of the order. Costs of Rs. 5,000/- is imposed upon the respondents for intentional delay caused in the reimbursed of medical bills.