

(2013) 04 DEL CK 0317

Delhi High Court

Case No: Writ Petition (C) No. 3679 of 2012

Jai Prakash Gupta

APPELLANT

Vs

The Commandant CRPF and
Another

RESPONDENT

Date of Decision: April 10, 2013

Hon'ble Judges: J.R. Midha, J; Gita Mittal, J

Bench: Division Bench

Advocate: Ajay Kumar Thakur, for the Appellant; Saqib, with Mr. R.S. Tyagi, Deputy Commandant CRPF, for the Respondent

Final Decision: Disposed Off

Judgement

Gita Mittal, J.

The instant writ petition has been filed by the petitioner Constable Jai Prakash Gupta who is working with the Central Reserve Police Force (CRPF) complaining that his mother Smt. Kusum Devi was dependent upon him and was entitled to medical facilities as his dependent from Government hospitals as well as the empanelled hospitals as per the list issued by the respondents. It is also claimed by the petitioner that he is entitled to reimbursement of medical bills with regard to the treatment given to his mother on account of such dependency. The petitioner has placed reliance on a government memorandum in this regard. The writ petition was filed, at the stage when the petitioner's mother had been diagnosed with damage to both her kidneys and when she was urgently requiring Hemodialysis. On a consideration of the matter and keeping in view the urgency, this Court had passed the following order on 3rd July, 2012:

Learned counsel for the respondents, on instruction, states that, keeping in view the emergent nature of the treatment required, and on humanitarian ground, the respondents shall extend the cashless facility to the mother of the petitioner for her treatment for Hemodialysis at G.M. Modi Hospital and Research Centre for a period of three months more from today, subject to the entitlement of the petitioner. In

case it is found that the petitioner's mother was not entitled for this treatment, the petitioner shall be liable for reimbursing the amounts or any part thereof which is to be paid by the respondents.

It is ordered accordingly. It would be open to either party to seek review or variation of this order during the pendency of this petition, as they may be advised.

2. It appears that the petitioner's mother could not be treated at the G.M. Modi Hospital and Research Centre and she unfortunately expired on 9th October, 2012.

3. The respondents have urged that in view of the order dated 3rd July, 2012, the respondents were required to pay for the treatment of the petitioner's mother pending enquiry into the dependency position. It is stated that the enquiry qua the dependency is still pending. Given the unfortunate incident of the demise of the petitioner's mother, so far as the prayer made in the writ petition for further treatment of the petitioner's mother is concerned, it does not survive for consideration. However, the prayer of the petitioner seeking reimbursement of the medical bills for the treatment which was given to the petitioner's mother depends upon the outcome of the dependency verification which is stated to be underway and appropriate orders in this regard require to be made.

4. Our attention has been drawn by Mr. Saqib, learned counsel appearing for the respondents to a signal dated 26th October, 2012 whereby the respondents have referred to a letter dated 7th April, 2012; signals/letters dated 14th May, 2012, 25th May, 2012, 20th June, 2012, 7th July, 2012 and 10th October, 2012 requiring the petitioner to effect rectifications in the bills which had been submitted by him. These bills stand returned for making appropriate rectifications in the light of the observations made by the respondents. The petitioner has till date not furnished the rectifications and has not resubmitted the bills.

5. In view of the above, we direct as follows:

(i) The petitioner shall ensure that he effects necessary rectification/corrections in the medical reimbursement claims which have been earlier submitted by him and ensure that the same are submitted with the respondents within a period of six weeks from today.

(ii) The respondents shall ensure that the dependency verification is completed within a period of 8 weeks from today.

(iii) The medical reimbursement claims submitted by the petitioner with regard to his mother shall be processed and payment, if any found due and payable shall be made in accordance with the procedure within a further period of four weeks, thereafter.

This writ petition is disposed of in the above terms.

Dasti to counsel for the parties.