



CWP-15750-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-15750-2025 (O&M)
Date of Decision :07.08.2025

Commissioner, Navodaya Vidyalaya Samiti & others ...Petitioners

Versus

Jaipal and another ..Respondents

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

Present: Mr. Barjesh Mittal, Advocate for the petitioner.
(joined through V.C.)

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 20.01.2025 (Annexure P/4) passed by the Central Administrative Tribunal (for short, 'Tribunal') on the ground that the benefit of interest upon delayed medical reimbursement has been allowed in favour of respondent No.1 even though, on an earlier occasion when the original application bearing No.060/1325/2018 was filed by respondent No.1 for release of medical reimbursement, a direction was given by the Tribunal vide order dated 19.02.2020 (Annexure A/9) to only reimburse the cost incurred during the medical treatment and hence, the non-grant of benefit of interest by the Tribunal in said order dated 19.02.2020 (Annexure A-9) in favour of respondent No.1 is to be treated having been rejected.

2. We have heard learned counsel for the petitioners and have



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gone through the record with his able assistance.

3. It may be noticed that the question of law raised with regard to the grant of interest on the delayed release of the medical reimbursement already stand decided by this Court while deciding ***RSA-3524-2012 titled as State of Haryana and others vs. Ranbir Singh, decided on 08.08.2012*** wherein, after considering the law including the judgment of the Hon'ble Supreme Court of India in ***Om Parkash Gargi vs. State of Punjab and others 1996 Vol XI SCC 399***, wherein it has been stated that the State requires some time to verify the amount spent by an employee for the medical treatment, which time has been treated as three months by this Court in ***Ranbir Singh (supra)*** and after completion of this stipulated period of time so as to verify the veracity of amount spent by an employee for medical purposes, the employee has been held to be entitled for interest on delayed reimbursement of medical expenses incurred, has gone unrebutted at the hands of the learned counsel for the petitioners. Once, under the norm, the respondent is entitled for the said benefit, grant of the said benefit of interest by the Tribunal cannot be treated as incorrect or beyond jurisdiction.

4. Further argument which has been raised by learned counsel for the petitioners is that on an earlier occasion when the reimbursement for the medical expenses incurred was sought, only the benefit of reimbursement was given and not the benefit of interest and therefore, the second O.A. could not have been filed.

5. It may be noticed that once the said issue was not adjudicated upon, the non-grant of the said benefit cannot be made disadvantageous to the respondent especially when, under the law, the respondent was entitled for interest on the delayed payment of medical reimbursement which has



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been given in accordance with law.

6. Further, in the present case, the entitlement of the respondent for the grant of reimbursement of the medical allowance has not been denied. Once, the said issue has been considered, the delay in releasing the said benefit is attributable to the petitioners.

7. Further, as per the judgment of the Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, any amount to which an employee is entitled, which amount has been retained and used by the employer, upon the release of the said amount, on a later date, the benefit of interest has to be given. The relevant paragraph of ***J.S. Cheema's case (supra)*** is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

8. In the present case, the delay which has occurred in alleged payment of medical reimbursement is wholly attributable to the petitioner-department. Once, the said fact has gone unrebutted, the grant of interest by the Tribunal on the delayed medical reimbursement so as to compensate the respondent No.1 needs no interference at the hands of this Court and the writ



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petition is accordingly dismissed.

9. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 07, 2025
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Whether speaking/reasoned : Yes
Whether reportable : No