



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CWP-13925-2016 (O&M)
Date of decision: 12.05.2025

MANU SINGH

.....Petitioner

VERSUS

ADVOCATE GENERAL HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Vishal Gupta, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-14345-CWP-2024

For the reasons mentioned in the application, the same is allowed, and the medical record of the petitioner's deceased husband is taken on record as Annexure P-12.

CWP-13925-2016

Challenge in the present writ petition is to the order dated 20.05.2016 passed by the respondents whereby the petitioner's claim for reimbursement of the medical bills in respect of treatment of her husband had been declined, the instant writ petition has been filed.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner had superannuated from the office of the Advocate General, Haryana from the post of Deputy Superintendent on 30.09.2006



and had opted for fixed medical allowance of Rs. 500/- per month, as per the policy of the State of Haryana regarding medical reimbursement. He contends that the petitioner's husband is a patient of chronic kidney disease and he had been taking regular treatment from the Department of Nephrology, PGI, Chandigarh and remained admitted for different durations in the past. He also underwent Continuous Ambulatory Peritoneal Dialysis (CAPD) from PGIMER, Chandigarh and modulatory dialysis earlier. He contends that an expense to the tune of Rs. 2,23,299/- was availed by the petitioner between the period from 28.07.2015 to 25.12.2015. Copies of the bills of the petitioner, along with the essentiality certificate issued by the PGIMER, were duly deposited with the respondents, however, the claim of the petitioner has been declined by the respondents solely on the ground that the petitioner had availed the benefit of fixed medical allowance.

3. Counsel for the petitioner contends that the aforesaid issue has already been decided by a Division Bench of this Court in the matter of ***“Raghuvir Prasad Mittal versus State of Haryana and others”*** reported as ***2008 (3) S.C.T. 362***. The relevant extract thereof reads thus:-

“5. So far as the objection of the Nigam that the petitioner is getting Fixed Medical Allowance and, therefore, is not entitled for reimbursement is concerned, it is not at all practicable. By no stretch of imagination, it can be assumed and presumed that one could get treatment of serious ailment like cancer with meager amount of Fixed Medical Allowance. The benefit of giving Fixed Medical Allowance must be for routine medical treatment. However, for treatment of serious ailment, the



technicalities should not and could not have been applied. The hyper-technical stand taken by the Nigam is wholly unreasonable and unjustified. The other objection taken by the Nigam is that the amount claimed by the petitioner for his wife's treatment is highly exaggerated. Suffice it to say - since the petitioner had taken treatment of his wife from the P.G.I, Bombay Hospital, Mumbai/ Bombay Hospital & Medical Research Centre, Mumbai, the genuineness of the bills cannot be disputed.”

4. Learned State Counsel has vehemently argued that the petitioner, having availed the benefit of fixed medical allowance, cannot thereafter seek to dilute the implications and consequences that flow therefrom and claim reimbursement of the full medical expenses.

5. Learned Counsel further contends that under similar circumstances, the stand of the State had been accepted by this Court in the judgment dated 12.12.2016 passed in **CWP-9839 of 2015** titled as **“Gurcharan Singh versus State of Haryana and others”**.

6. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents available on record.

7. Even though the contention of the respondent-State is correct to the extent that vide judgment dated 12.12.2016 in the matter of **Gurcharan Singh (supra)**, the writ petition was dismissed since the petitioner therein had paid the requisite amount towards tests in the Outpatient Department (OPD) and the same was not towards any treatment and since fixed medical allowance was being obtained by the employee, however, the said judgment



does not take into consideration the Division Bench judgment of this Court in the matter of “*Raghvir Prasad Mittal versus State of Haryana and others*”, which is a Division Bench judgment.

8. Counsel for the respondent-State is not in a position to dispute that the Division Bench judgment of this Court would be binding on a single Bench and that the same also applies to the facts of the present case.

9. Under the given circumstances, the present writ petition is allowed in terms of the judgment dated 04.04.2008 passed in the matter of *Raghvir Prasad (supra)* and the petitioner is held entitled to the disbursement of the medical dues as per the State policy, notwithstanding the petitioner having received fixed medical allowance.

10. Let the admissible medical benefits in terms of the State policy be determined by the respondents within one month of the receipt of a certified copy of this order and the same be released in a further period of one month thereafter. It is made clear that if the aforesaid timelines are not followed, the petitioner shall be entitled to interest @ 6% per annum on the aforesaid amount.

11. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MAY 12, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No