

(A. J. Singh, J.)

Before **Ajai Lamba, J.**

ANIL SANDHIR,—Petitioner

versus

STATE OF PUNJAB AND OTHERS;—Respondents

C. W. P. No. 14234 of 2009

18th August 2010

Constitution of India, 1950—Art. 226—Claim for medical reimbursement—Respondents failing to reimburse medical bills despite directions issued by High Court—Payment of medical bills of petitioner ordered to be made as per rules within one month—Delay in payment of medical bills in a number of cases—Respondents taking necessary steps only after filing of a case—In human & insensitive approach—Head of Departments required to direct concerned officials for dealing with issue of medical reimbursement with sensitivity and humane approach.

Held, that God sent misery is, however, being intensified by the conduct of the respondents in not discharging their duties in time by delaying payment of medical bills. The officials/officers of the respondent State are public servants and are, therefore, required to act in a manner that makes the life of a person, such as the petitioner, convenient by way of entertaining and ensuring medical reimbursement as soon as possible. It, however, seems that delay in release of payment is being caused, nor for any reasonable or legal cause, but on account of a casual approach. Delay in medical reimbursement is an arbitrary act and is required to be deprecated.

(Para 9)

It is held that a number of cases of this nature are being received in this Court wherein reimbursement of medical bills is being delayed. It is only after filing of a case that necessary steps are taken by the employer-department to release payment. Such an approach to the issue is inhuman and insensitive. Directions are required to be issued by the Head of the Departments to the concerned officials to deal with the issue of medical reimbursement with the sensitivity, and humane approach, it deserves.

V.K. Sandhir, Advocate, for the petitioner(s)
 B.S. Chahal, D.A. Q. Punjab, in the context of the medical bills submitted to the respondents in the context of the medical reimbursement has not been made within a reasonable period of time as is also evident from the written statement.
AJAI LAMBA, J. (ORAL)

(1) This petition under Articles 226/227 of the Constitution of India has been filed praying for issuance of a writ in the nature of *mandamus* directing the respondents to reimburse the amount in the context of medical bills presented by the petitioner for treatment taken during the period between September, 2008 to July, 2009. Rest of the amount, as admissible under the Rules, would be released

(2) It has been pleaded that the petitioner underwent kidney transplantation in the month of September, 2006. The petitioner has been declared a complicated chronic patient suffering from serious disease/ailment. The petitioner has been declared as physically handicap to the extent of 60% by the Civil Surgeon, Ludhiana. The handicap is to an extent that the petitioner has been recommended to travel with an Assistant. Relevat certificate in this regard has been placed on record as Annexure P.2. The petitioner has to take medicines worth Rs. 20,000 to 22,000 per month. The petitioner has been presenting the medical bills for reimbursement, however, the payment is not being made by the respondents causing undue hardship. The details of the bills, have been given in para 5 of the petition.

(3) It has been pleaded that earlier the petitioner had to file C.W.P. 8008 of 2008 which was disposed of wide order, dated 11th September, 2008 (Annexure P.3), in the following terms:

After hearing the counsel for the parties, we dispose of the present writ petition with direction to the respondents to reimburse the remaining medical bills of the petitioner if entitled within two months from the date of receipt of a certified copy of this order.

The respondents shall reimburse the medical bills submitted by the petitioner in future also, in accordance with law."

(4) It has been pleaded in the petition that despite directions issued by this court, the medical bills were not cleared for more than six months. Under the circumstances, the petitioner had to approach this Court again by way of filing the present petition.

(5) It is not in dispute that the petitioner is entitled to reimbursement of money in the context of the medical bills. It is further the admitted position that the medical reimbursement has not been made within a reasonable period of time, as is also evident from the written statement.

(6) Learned counsel for the respondent-State, on instructions from Shri Shashi Garg, Law Officer in the office of Director, Public Instructions, Secondary Education, Punjab, states that the medical bills till the period February, 2009, have been cleared and the payment made to the petitioner. Rest of the amount, as admissible under the Rules, would be released within one month from today.

(7) In view of the statement made by the learned counsel for the respondent-State, this petition is disposed of.

(8) Before concluding, I am constrained to observe that sequence of events of this case, as made out from the pleadings, indicates inhuman approach of the respondents. The petitioner is entitled to medical reimbursement. The petitioner is not only suffering from a chronic disease but has also undergone kidney transplant surgery, which is a major surgery. The petitioner is a handicapped person and can only manage his daily chores with the aid of an assistant.

(9) God sent misery is, however, being intensified by the conduct of the respondents is not discharging their duties in time by delaying payment of medical bills. The officials/officers of the respondent-State are public servants and are, therefore, required to act in a manner that makes the life of a person, such as the petitioner, convenient by way of entertaining and ensuring medical reimbursement as soon as possible. It, however, seems that delay in release of payment is being caused, not for any reasonable or legal cause, but on account of a causal approach. Delay in medical reimbursement is an arbitrary act and is required to be deprecated.

(10) A number of cases of this nature are being received in this Court wherein reimbursement of medical bills is being delayed. It is only after filing of a case that necessary steps are taken by the employer-department to release payment. Such an approach to the issue is inhuman and insensitive.

(11) Directions are required to be issued by the Head of the Departments to the concerned officials to deal with the issue of medical reimbursement with the sensitivity, and humane approach, it deserves.

(12) In this petition, clear directions are hereby issued to the respondents that the medical bills already presented by the petitioner be entertained and reimbursed, as per rules and instructions, within one month from today.

(13) In future, as and when the petitioner present medical bills for treatment, the same are directed to be dealt with, as per law, within two months and reimbursed, failing which this Court shall consider the inaction on the part of the dealing official/officer as an act of wilful disobedience of direction/order of this Court amenable to action under the Contempt of Courts Act, 1971.

(14) A copy of this order is directed to be conveyed to the Chief Secretary, Punjab.

(15) Copy of the order be given dasti under the signatures of the Court Reader.
