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HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1113 of 2024

20 March, 2026

Karishma Bhatt

--Petitioner

Versus

State Of Uttarakhand and Ors.

--Respondents

Presence:-

Mr. Vikas Pande, learned counsel for petitioner.

Mr. N.S. Pundir, learned D.A.G. for the State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the communication/order dated 03.02.2024 issued by respondent no. 2, whereby the claim of the petitioner for reimbursement of medical expenses has been declined on the ground that the petitioner was above 25 years of age at the time of treatment and, therefore, not entitled to the benefit under the applicable Government Orders. The petitioner further seeks a direction to the respondents to reimburse the medical expenses incurred by her.

2. The facts, in brief, as borne out from the record are that the petitioner, namely Karishma Bhatt, is the daughter of a deceased government employee. The parents of the petitioner passed away a few years ago, and after the death of her mother in the year 2020, the petitioner was granted family pension. It is the case of the petitioner that pursuant to the introduction of the State Government Health Scheme, the benefit of the scheme was extended to pensioners as well as family pensioners. The petitioner, being a recipient of family pension, was issued a Golden Card under the said scheme, and contributions towards the scheme were regularly deducted from her pension. In the year 2021, the petitioner met with an accident and sustained serious injuries, for which she was admitted to the All India Institute



of Medical Sciences (AIIMS), New Delhi. The petitioner has placed on record the Essentiality Certificate issued by AIIMS in support of her treatment. The petitioner submitted claims for reimbursement of medical expenses. Two bills amounting to Rs. 5,130/- and Rs. 20,000/- were reimbursed by the authorities. However, a major bill amounting to Rs. 4,29,561/- was not reimbursed. Upon inquiry, the petitioner was informed through a communication dated 03.02.2024 issued by respondent no. 2 that since the petitioner was more than 25 years of age at the time of treatment, she was not entitled to medical reimbursement, in view of Government Orders dated 04.05.2020 and 25.11.2021. Aggrieved by the said communication and denial of reimbursement, the petitioner has approached this Court by filing the present writ petition.

3. Learned counsel for the petitioner submits that the impugned action of the respondents is wholly arbitrary, illegal and based on a complete misinterpretation of the applicable Government Orders. It is argued that the petitioner is not claiming reimbursement as a “dependent” of a government servant, but as a family pensioner in her own independent right. Therefore, the Government Orders relied upon by the respondents, which are applicable to dependents of government employees, have no application in the present case. Learned counsel further submits that the petitioner has been granted family pension after the death of her mother, and under the State Government Health Scheme, she has been issued a Golden Card. It is further emphasized that regular deductions towards the scheme are being made from the petitioner’s pension, which clearly establishes her entitlement to the benefits of the scheme.

4. It is contended by the learned counsel for the petitioner that once the State has accepted contributions from the petitioner and extended the scheme to her, it cannot subsequently deny the benefit on untenable grounds. Such



action is hit by the doctrine of legitimate expectation and is violative of Article 14 of the Constitution of India. It is further argued that the petitioner had undergone treatment in AIIMS, New Delhi, which is a premier government institution, and the Essentiality Certificate has also been issued. Therefore, the claim is otherwise genuine and admissible. Learned counsel also points out that the respondents themselves have reimbursed two bills submitted by the petitioner, thereby admitting her entitlement under the scheme. Having done so, the respondents cannot arbitrarily deny reimbursement of the remaining amount.

5. It is submitted by the learned counsel appearing for the respondents that as per Government Order dated 04.05.2020 and Government Order dated 25.11.2021, the benefit of medical reimbursement is not admissible to a dependent that is above 25 years of age. According to the respondents, at the time of treatment, the petitioner was about 29 years of age, and therefore, not eligible for reimbursement.

6. Learned counsel for the respondents further submits that at the time of processing the claim, the records available with the department did not clearly establish that the petitioner was a family pensioner or that she was covered under the State Government Health Scheme as an independent beneficiary. It is also argued that the medical claim submitted by the petitioner did not contain sufficient supporting documents to establish her entitlement under the scheme, including proof of issuance of Golden Card or contribution under the scheme. The learned counsel further contends that the bill amounting to Rs. 4,29,561/- was duly forwarded by respondent no. 3 to respondent no. 2 for necessary sanction, and the decision regarding sanction lies within the domain of respondent no. 2. The answering respondents have no independent authority to sanction the claim. It is also submitted that the impugned communication



dated 03.02.2024 was issued in accordance with the applicable rules and after due consideration of the material available on record.

7. Having heard learned counsel for the parties and perused the material on record, this Court finds that the controversy in the present writ petition lies in a narrow compass. The sole issue for consideration is whether the petitioner, a recipient of family pension, can be denied reimbursement of medical expenses on the ground that she was above 25 years of age at the time of treatment by treating her as a “dependent” under the applicable Government Orders. At the outset, this Court notes that the foundational premise adopted by the respondents for rejecting the petitioner’s claim is legally unsustainable. It is undisputed that the petitioner is a family pensioner, receiving pension in her own independent right after the death of her mother, a government employee. The Government Orders dated 04.05.2020 and 25.11.2021 relied upon by the respondents apply to dependents of government servants/pensioners and prescribe an age limit of 25 years. However, the petitioner cannot be equated with a dependent, as she is herself a beneficiary under the pension scheme. Even otherwise, the petitioner is eligible to get benefit of the SGHS (State Government Health Scheme) as she falls under Clause 3.2(iii) of the Government Order dated 04.05.2020. The petitioner is unmarried and was dependent upon her parents (mother), a Government Servant who died leaving behind the petitioner. The respondents have thus erred in applying provisions meant for dependents to a family pensioner, vitiating the impugned decision. It is further admitted that the petitioner was issued a Golden Card under the State Government Health Scheme and that regular deductions towards the scheme were made from her pension. Once the State extended the benefit of the scheme and continued to deduct contributions, it cannot deny corresponding benefits on untenable grounds. Such action is arbitrary, unreasonable,



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and violative of Article 14 of the Constitution of India. The respondents' conduct is also internally inconsistent, as two medical bills submitted by the petitioner were already reimbursed, indicating acceptance of her entitlement under the scheme. Denial of reimbursement of the remaining bill on a ground going to the root of eligibility is therefore wholly unjustified. There is no dispute regarding the petitioner's treatment at AIIMS, New Delhi, the issuance of the Essentiality Certificate, or the genuineness of the claim. The rejection is thus based solely on a misinterpretation of the applicable rules. The contention that the petitioner failed to furnish sufficient documents or that there was ambiguity regarding her status is also untenable in light of the record, particularly when deductions under the scheme were admittedly made from her pension.

8. In view of the above, this Court holds that the impugned order dated 03.02.2024 cannot be sustained in law and is hereby quashed.

9. The respondents are directed by issuance of a writ of mandamus to release the medical reimbursement amount in favour of the petitioner forthwith along with interest @5% per annum from the date of her entitlement till actual payment is made.

10. Accordingly, the writ petition is allowed.

11. Pending application(s), if any, stands disposed of.

(Pankaj Purohit, J.)

20.03.2026

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