



RSA-5548-2014 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

RSA-5548-2014 (O&M)

STATE OF HARYANA AND ORS.

.....Appellants

Vs.

SAVITA YADAV

.....Respondent

**Reserved on : 16.04.2026
Pronounced on: 21.04.2026
Uploaded on: 24.04.2026**

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, Assistant Advocate General, Haryana

Mr. Aditya Yadav, Advocate and
Ms. Hemlata, Advocate
for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 22.01.2013 passed by learned Civil Judge, Junior Division, Rewari, as well as judgment and decree dated 18.12.2013 passed by learned Additional District Judge, Rewari, whereby civil suit filed by the respondent was decreed in her favor and appeal filed by appellants was dismissed respectively.

2. Brief facts of the case, as per the civil suit are that husband of respondent, namely Yadu Yadav, was taken to Trauma Center, Rewari, due to severe head injury in a motor vehicular accident that took place on 08.06.2009 near Salhawas, Tehsil and District Jhajjar. But without giving any treatment, he was referred to Gurugram or Delhi. On the same date at about 8:00 p.m., he



was got admitted in emergency situation in Kalyani Hospital, Gurugram. After CT scan examination and first aid, for reason of non-availability of ventilator system in the said hospital, he was discharged and taken to Paras Hospital, Gurugram on the same day at about 11:00 p.m., where he remained under treatment up to 17.07.2009 and a total sum of Rs.7,54,975/- was incurred on his treatment and after deducting the subsidy of Rs.1,54,944/- an amount of Rs.6,00,003/- was paid by respondent to the hospital. Medical claim case with original bill of aforesaid treatment was submitted before the appellants on 22.02.2010, which moved from one department to the other and ultimately objections were raised time and again for demand of documents which were already available on the file. Even the emergency certificate for treatment of husband of respondent was also obtained by Principal Government Senior Secondary School, Kosli, District Rewari, and the same was also available on the file but without examining the claim file appellants kept the case of medical reimbursement of husband of respondent pending by raising baseless objections.

3. Further, again, treatment was taken by husband of respondent since, during exercise in Physiotherapy Center, Rewari, due to his timber fracture on 04.04.2010, he was taken to Sir Ganga Ram Hospital, Delhi where operation was conducted on 07.04.2010 and for this treatment a total amount of Rs.1,40,975/- was paid by respondent and the claim of medical reimbursement with bills was submitted by her, but her claim was curtailed and sanctioned to the tune of Rs.48,979/- against the bill amount of Rs.1,40,975/- and the same was paid to respondent vide order dated 09.02.2011 whereas, Sir Ganga Ram Hospital, Delhi is on the approved list of Haryana Government and the treatment was taken from the said hospital and its city hospital branch, which is



a part of Sir Ganga Ram Hospital, Delhi, and in this way, the total of bill amount of Rs.1,40,975/- was to be paid to the respondent and the appellant wrongly withheld the amount of Rs.91,996/- from the bill amount of the respondent for which she is legally entitled, along with interest 12% interest per annum from the date of submission of the claim till the date of payment. Again, on 24.04.2010, VP (Ventriculoperitoneal) sent in the brain of husband of respondent was slipped out and he was admitted in emergency in Paras Hospital, Gurugram on the same date, where treatment was taken and an amount of Rs.68,989.73/- was paid by respondent for the treatment of her husband, bill of which was duly submitted without causing any delay. And in this case, emergency was also declared by Civil Surgeon, Rewari but vide order dated 18.03.2011, only an amount of Rs.27,005/- against bill of Rs.68,989.73/- was paid to the respondent by wrongly withholding an amount of Rs.41,984/- for which she is entitled to get 12% per annum interest from the date of submission of claim till the date of payment. She filed civil suit for all the above referred to claims regarding reimbursement of all the medical bills. Civil suit filed by her was decreed in her favor by learned Civil Judge (Jr. Division), Rewari vide judgment and decree dated 22.01.2013. Appellants filed appeal against the same which was dismissed by learned Additional District Judge, Rewari vide judgment and decree dated 18.12.2013. Hence, the present regular second appeal.

4. Learned counsel for the appellants contends that civil suit filed by the respondent has been wrongly decreed in her favor along with 12% per annum interest, ignoring the very fact that no emergency certificate was there and as per law laid down by Hon'ble The Supreme Court in ***Om Prakash Gargi Vs. State of Punjab and others, 1996 INSC 1155*** no interest can be granted for



delayed payment of medical reimbursement. He further contends that amount of medical reimbursement at PGI rates has already been granted to the respondent. He, therefore, prays that the present appeal be allowed.

5. Per contra, learned counsel for the respondent contends that the civil suit filed by the respondent has rightly been decreed by learned Civil Judge (Jr. Division), Rewari vide judgment and decree dated 22.01.2013 and the appeal filed against judgment and decree dated 22.01.2013 by the appellant has been rightly dismissed by learned Additional District Judge, Rewari vide judgment and decree dated 18.12.2013. He, therefore, prays that the present appeal be dismissed.

6. He relies upon judgment passed by this court in ***State of Punjab and Ors. Vs. Bhupinder Singh, 2026 NCPHHC 12049*** to support his arguments.

7. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

8. Before proceeding further it would be apposite to reproduce the relief claimed in the civil suit and relevant portion of the civil suit. The same are reproduced as under:-

RELIEF CLAIMED

“a) That the plaintiff is entitled to get allowed her medical reimbursement claim against bill amount of Rs. 6,00,031/- as per law at PGTI rates plus 75% of the remaining amount along with 12% per annum interest from the date of submission of the claim with the defendants on 21.02.2010 onward and the defendants have wrongly deferred her claim and wrongly kept pending her claim without justified cause.



b) That the plaintiff is also entitled to get allowed reimbursement of amount of bill amount of Rs, 140,975/- on account of treatment taken from Sir Ganga, Ram Hosptial, a recognized Hospital on the approved list of Haryana Govt. and it entitled to get allowed the balance amount of Rs. 91,996/- which has wrongly been curtailed from this bill amount along with 12%per annum interest from the date of submission of claim from April 2010 onward and also 12% per annum interest on the amount of Rs.48,979/- paid against the bill amount of Rs. 1,40,975/- from April till the date of payment ofn 09-02-2011.

c) That the plaintiff is also entitled to get allowed the reimbursement of third Medical bill amounting to Rs. 68,989/- as per law PGI rates of this treatment plus 75% of the remaining amount which has been wrongly curtailed by making payment of Rs. 27005/- against bill amount of Rs. 68,989.73 paisa by the defendants by withholding and amount of rs. 41,984/- on 18.03.2011 and against this bill amount of rs. 41,984/- alongwith 12% per annum interest on the amount already paid against this bill of Rs. 27,005/- from may 2010 till the date of payment i.e. 18.03.2011.

d) That the action proceedings of the defendants by wrongly deferring and wrongly kept pending the justified medical reimbursement claim of plaintiff against the bill amount of Rs. 6,00,031/- in their office and also oreder and proceedings of curtailing the amount of Rs. 91,996/- from the bill amount of Rs. 1,40,975/-and wrongly curtailing and amount of Rs. 41,984/- from her bill amount of rs. 68,989/- paisa are illegal, null and void,



arbitrary, against law and facts , against the instruction issued in this regard, against the principles of natural justice and are not binding on thr rights of the plaintiff.

e) That a decree for mandatory injunction directing the defendants to settle all the claimed relief as mentioned in para no. A to D of the prayer clause without any further delay, may kindly be passed in favour of the plaintiff and against the defendants.

f) Any other relief which the Hon'ble Court may deem fit and proper may also be granted to the plaintiff.”

RELEVANT PORTION OF CIVIL SUIT

“11. Both these issues are taken up together being interlined. The onus to prove these issues was upon the plaintiff. The plaintiff has claimed that a total amount of Rs. 7,54,975/- was incurred on the treatment of her husband and after deducting the subsidy of Rs. 1,54,944/- an amount of Rs. 6,00031/- was paid by the plaintiff to the hospital. The plaintiff has admitted in para no. 3 of her examination-in-chief that during the pendency of the present suit, she has received Rs. 2,96,319/- on dated 27.2.2012. Now, Rs. 3,03,712/- has been withheld by the defendant. The aforesaid claim of the plaintiff has been admitted by DW1, kapil kumar, who in this cross-examination has stated that it is correct that with respect to private unapproved hospitals, a payment at the PGI rates plus 75% of the remaining amount is to be reimbursed.

In the case in hand also, the husband of plaintiff also got his treatment for unapproved private hospital i.e paras Hospital, Gurgoan so, as per the Government policy and admission of DW1, the plaintiff is entitled to get 75% of the



remaining amount of Rs. 3,03712. Moreover, the defendant in their written statement have nowhere denied the aforesaid claim of the plaintiff. When the defendants have already made part payment of the medical claim of the plaintiff, then the fact that emergency certificate is not placed on the file, is of no importance. As defendants have made som payment of the medical claim of the plaintiff, therefore, the question that the claim of the plaintiff is not genuine does not arise. The only question which is left is that why the entire payment has not been made till date. The defendants have failed to explain that why they have not made the remaining payment to the plaintiff of the entire medical as per the Government policy.

*In view of the above discussed facts, it is established on record that plaintiff got his medical treatment from private hospital in an emergency situation. In this regard, this court is of the opinion that treatment is a matter of confidence between the patient and the doctor and when the patient opted to got to hospital of this choice to get genuine treatment, the expenditure on getting such treatment should not be scuttled down on the technical ground that the hospital is not recognized by the State government. In this regard, I draw my support from case law title as **Santosh Devi others Vs. Haryana State Agricultural marketing Board 2008 (2) RSJ 517 (P&H)**. In the above said case, medical reimbursement of the petitioner got indoor treatment in a private hospital, which is not on approved list of Haryana Government. The son of the petitioner required a specialised treatment, which was not available at two approved hospitals at New Delhi. It was not expected of the petitioner to request to the authorities at that point of time for granting him permission to take treatment for his on from a particular hospital as son of the petitioner was in the acute emergency and was put on ventilator. In such situation, refusal of claim of the petitioner was held*



unreasonable, unjust and arbitrary. So, respondents were directed to reimburse to the petitioner the amount equal to the rates of AIIMS New Delhi/ PGI, Chandigarh.

The second claim of the plaintiff is that on dated 4.4.2010, the husband of the plaintiff suffered timber fracture at the time of exercise at physiotherapy center, Rewari. For this treatment, he was taken to Sir, Ganga Ram Hospital, New Delhi i.e. an approved hospital. A total amount of Rs. 1,40,975/- was paid by the plaintiff to the hospital. But an amount of Rs. 48,979/- was sanctioned in her favour. Thus, the defendant have wrongly withheld an amount of Rs. 91,996/- from the bill paid by the plaintiff. The said hospital was Government approved hospital and the plaintiff is entitled to get reimbursement of remaining amount of rs. 91,996/- Therefore, the plaintiff is entitled to get reimbursement the remaining amount or Rs. 91996/-.

The third claim of the plaintiff is that again on dated 24.4.2010, VP stent in the brain of the husband of the plaintiff was slipped out and h was admitted in emergency in Paras Hospital, Gurgaon. A total amount of rs. 68989.73 paise was paid by the plaintiff for the treatment of her husband. In this case, emergency was declared by the Civil Surgeon, but defendant only paid an amount of Rs.27005/- Therefore, defendants have wrongly withheld an amount for Rs. 41984/- of the plaintiff. The defendants have nowhere denied that aforesaid claim of the plaintiff in their written statement. The defendants have also not given any explanation that why the said amount was not paid in to the plaintiff. As the defendant have already made payment of Rs/- 27005/- to the plaintiff, therefore the question that the claim of the plaintiff in not genuine, does not arise at all. Therefore, the plaintiff is also entitled to get 75% of the remaining withheld amount of Rs. 41984/-.

In the case in hand also, an emergency certificate



was given by the doctor declaring that it was emergency. In such case of emergency, the person reaches hospital, where immediate treatment can be give. In a case where the life of a human being is at stake, it is too technical to require such a person to hunt for a list of the approved hospitals and then decide which hospital to go in emergency situation. Sometimes, such hospitals may not be able to accommodate the patient and at that time, the attendant is not expected to first look into the list of approved/recognized hospitals for medicals reimbursement and then proceed for treatment. If such regulation are applied so strictly, it would result in a disastrous situation and the patient may die. In this regard, I draw my support from case law titled as Raghuvir Prasad Mittal Vs State of Haryana and others 2008(4)RSJ(P&H), in which Hon'ble Hight court held that the act committed in an emergency should not be weighed in terms of money, especially when human life is at stake. The provision of free medical treatment or reimbursement in lieu therefore being a beneficial act of the welfare State for its employees, the rules/instruction have to be construed liberally in favour of the employees, for granting them the relief. The authorities are not suppose to adopt a wooden attitude and stick to technicalities while dealing with human problems. There can be no mathematical precision while dealing with human problems. There can be no mathematical precision while dealing with human being. Therefore, refusal of claim of plaintiff on the aforesaid ground is unreasonable, unjust and arbitrary.

Above all, the right to life is a fundamental right under Article 21 of Constitution. The State is under obligation to look after the most fundamental right given to its citizens namely 'Right to Life'. It cannot fall back upon subterfuges or take shelter under technicalities to defeat right. It was held by Hon'ble Punjab and Haryana High court in Case law titled as Naunihal Singh Vs Union of



India and others 2011(2)RSJ198(P&H).

The plaintiff has also claimed that 12% interest per annum on the amount already paid i.e. Rs. 48979/- be given to the plaintiff from April 2010 till the date of payment on dated 9.2.2011 on account of delayed payment. The plaintiff has also claimed that she is entitled to 12% interest per annum on the amount already paid i.e. Rs. 27005/- from May 2010 till the date of payments i.e. 18.3.2011 on account of delayed payment. For the above discussed reasons the plaintiff is also entitled to 12% interest per annum on the amount of Rs. 48979/- from April 2010 till the date of payment i.e. 9.32-2011. The plaintiff is also entitled to 121% interest on the amount Rs. 27005/- from may 2010 till the date of payment i.e. 18.3.2011 on the account of delayed payment. In view of the above discussed facts, issues no. 1 & 2 are decided in favour of the plaintiff and against the defendants.”

9. A perusal of the relief claimed by respondent shows that she is categorically asking for 12% per annum interest from the date of submission of the claim. Further that appellants wrongly deferred her claim and kept it pending without any justifiable costs. A perusal of relevant portion of civil suit shows that appellant nowhere in their written statement denied her claim of medical reimbursement but full claim was not granted on the ground that the treatment is not taken from the approved hospitals of the Government. Also, there is no dispute regarding the amount of medical bills paid by the respondent in different hospitals for the emergency treatment of her husband. Further, emergency certificate was also given by the doctors. Still the part of/approved medical reimbursement was granted to respondent after almost one year because of the reason that the file was sent from one office to another for approval. Further perusal of the record shows that a lady who was already



facing difficulties and harassment because of the treatment of her husband from one hospital to another was further harassed by the appellants by moving her file of medical reimbursement from one office to another and taking such a long period of one year in deciding her claim of medical reimbursement and that too partly on the ground that the treatment was not taken from the Government approved hospitals. The reasoning given by the appellant is already dealt with by this Court in ***State of Punjab and others Vs. Bhupinder Singh, 2026 NCPHHC 12049***, wherein this Court has held that Government employee referred to a recognized private hospital for emergency medical treatment through proper channel is entitled to full reimbursement of medical expenses incurred, as per the essentiality certificate and Government policies. The relevant portion of the same is reproduced as under:-

“18. Before parting this Court feels at pain to decide such kind of cases, after almost 19 years which should have been decided immediately since reimbursement is involved in the present regular second appeal. In the present case, respondent had undergone Angiography and was later on operated in the year 2002. Since 2002, he is running for the reimbursement of the amount incurred by him in his treatment and it has taken almost 19 years to decide the same.

19. This is the state of affairs of Government employee who is assured reimbursement of medical treatment incurred by him. The Government should be liberal in framing the policies for medical treatment and reimbursement since a person in pain is not expected to chose the hospital and would prefer the nearest one only.”

Further the Co-ordinate Bench of this Court vide order dated 27.01.2015 directed the Executing Court to adjourn the proceedings beyond the date fixed before this Court. Meaning thereby, till date genuine claim of



respondent is in a way stayed by this Court.

10. Further it is not disputed by the appellant that medical bills are not genuine. And learned Civil Judge (Jr. Division), Rewari has categorically dealt with each bill and after considering the evidence (oral as well as documentary) on record decreed the civil suit filed by the respondent. Further learned Additional District Judge, Rewari also after considering and appreciating the evidence on record (oral as well as documentary) dismissed the appeal filed by the appellants. Therefore, I do not find any infirmity in judgment and decree dated 22.01.2013 passed by learned Civil Judge, Junior Division, Rewari, as well as judgment and decree dated 18.12.2013 passed by learned Additional District Judge, Rewari and the same are upheld.

11. Now coming to the order referred to by learned State counsel. Hon'ble Supreme Court in ***Om Prakash Gargi Vs. State of Punjab and others, 1996 INSC 1155*** held as under:-

“ORDER

This special leave petition has been filed against the order of the High Court of Punjab and Haryana made on 29.5.1996 in C.M. No. 933/96 in LPA No. 60/96.

2. Admittedly, the petitioner had claimed reimbursement of medical expenses spent in private hospital for heart disease. Ultimately, the amount came to be disbursed on August 28, 1991 but there was delay in payment thereof. The petitioner filed the writ petition. The High Court in LPA directed payment of the amount but disallowed interest at 12% as claimed by the petitioner. He filed a review petition and the same came to be dismissed. Thus this special leave petition.

3. It is contended by the learned counsel for the petitioner that in several cases, the Division Bench had directed



payment of interest, but in this case, they have departed from the above principle. When a special leave petition was filed by the State, this Court had dismissed the same in limine. Therefore, the petitioner is entitled to the payment of interest.

*4. **We do not find any force in the contention.** It is true that but for the benefit of reimbursement of the amount granted by the Government, the petitioner has no right to claim reimbursement. The question is : whether on account of delay in reimbursing the amount incurred towards medical expenses, the State should be liable to pay also interest on the delayed payment ? **We are of the view that** it is inexpedient and not proper to direct the State to pay interest for delay in payment of the reimbursement amount. It requires verification of the amounts spent by the petitioner and similar person. His right only is to get reimbursement and it does not follow that for the delay in the payment of medical reimbursement, he should also be entitled to interest thereon. The order passed by this Court on an earlier occasion was to the effect of dismissing the special leave petition in limine. Under these circumstances, **we do not think** that it would be proper to direct payment of interest on the delayed reimbursement of the medical expenses incurred by a Government servant.*

*5. The special leave petition is accordingly dismissed.
Petition dismissed.”*

12. A perusal of the above referred to order shows that the facts and the relief claimed are different from the facts and relief claimed in the present case. Hon’ble The Supreme Court has categorically stated in above referred to order that it is inexpedient and not proper to direct the State to pay interest for delay in payment of reimbursement amount since it requires verification of the



amounts spent by the petitioner and similar person.

Whereas, in the present case, a perusal of above referred to relief claimed by the respondent as well as evidence led by her for proving the same shows that the claim filed by the respondent was verified after taking into consideration the evidence (oral as well as documentary) on record. Learned Civil Judge (Jr. Division), Rewari has categorically dealt with the same.

13. In the present case, the respondent filed a civil suit in the year 2011 for claim of medical reimbursement bills for treatment of her husband. Vide order dated 27.01.2015, the Executing Court was directed to adjourn the proceedings beyond the date fixed before this court and the present appeal is decided in the year 2026, which is about after 11 years from the date of the stay granted by this court. For the last 15 years, respondent has been waiting for the amount spent by her on the treatment of her husband to be reimbursed.

14. Medical reimbursement is a right of a government employee, which is part of the benefits granted by the government to an employee. It is a legitimate entitlement of an employee which should be granted within a reasonable period of submission of medical reimbursement bills. The government cannot take its own time period to decide or verify the medical bills for reimbursement submitted to it. It requires to be decided within a reasonable time period, otherwise the whole purpose of grant of medical reimbursement would be defeated.

15. As in the present case, the respondent is waiting till today for reimbursement of her husband's medical bills, which she paid almost 16 years ago.

16. Once any government employee is entitled to any claim, it is expected that the same is granted at the time of immediate requirement, failing



which, the whole purpose and intention of the State of granting such benefit would be defeated. For no fault of the employee, in a case where he submits all the required documents along with proof and verification before his department in time, still the department takes years together to decide his claim by moving the file from one office to another, like in present case where it took almost one year.

17. It is not so difficult to decide the entitlement/reimbursement of medical bills which are placed before the department along with the documentary proof of the same, that the department takes such a long period to grant the benefit of medical reimbursement, which its employee is entitled to, since it is part of one of the benefits or entitlements granted to him along with his job. Medical reimbursement cannot be stated to be alms given to an employee who is otherwise entitled to the same.

18. Once an employee is entitled to any benefit which is not granted to him within a reasonable period, it should be granted with interest. Otherwise, the department would not be releasing the benefit for years together and would keep on moving the file from one department to another to decide such a small claim of medical reimbursement, for which only the medical bills as well as other documents are to be verified. It does not and cannot take maximum more than one month and can be decided in a week also.

19. In view of the above, judgment and decree dated 22.01.2013 passed by learned Civil Judge, Junior Division, Rewari, as well as judgment and decree dated 18.12.2013 passed by learned Additional District Judge, Rewari, are upheld.

20. Accordingly, the present regular second appeal is ***dismissed***.

21. This is in larger public interest that this Court laid down maximum



time period within which medical bills should be paid. It is need of the hour that, to avoid delay in decision of medical reimbursement bills, a reasonable time period should be fixed by the Court. Beyond that period, interest at the rate of 9% per annum should be added so that the departments do the needful within the stipulated time period. State of Punjab, State of Haryana, and U.T., Chandigarh, Corporations and Boards which entitle their employees for medical reimbursement are directed to decide their claim within a maximum period of two months from the date of submission of the medical bills and beyond that period they would be liable to pay interest @9% per annum.

22. Registry is directed to send a copy of this order to State of Punjab, State of Haryana, and U.T., Chandigarh, Corporations and Boards for implementation of the same.

23. Pending application(s), if any, also stand disposed of.

21.04.2026*Sahil/Ayub**Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No***(SUDEEPTI SHARMA)****JUDGE**