



2026:CGHC:19168

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6802 of 2021

K.N. Chandrakar S/o Late S. Chandrakar Aged About 56 Years Working As Assistant Director At Office Of Divisional Joint Director, Treasury, Account and Pension, Raipur, District Raipur Chhattisgarh.

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

2 - The Director Chhattisgarh Medical Education, Old Nurses Hospital D.K.S. Bhawan, Premises, Raipur, District Raipur Chhattisgarh.

3 - Mr. Mahendra Yadu Assistant Superintendent, Chhattisgarh Medical Education, Old Nurses Hospital D.K.S. Bhawan, Premises, Raipur, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Gourav Baghel, Advocate, holding the brief of Mr. Somkant Verma, Advocate
For Respondent(s)	:	Mr. Vivek Siddharth Ojha, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

25/04/2026

1. The petitioner has filed this petition seeking the following relief(s):-

"10.1 That, this Hon'ble court may kindly be pleased to quash order impugned dated 02.09.2021 passed by the respondent no.2.

10.2 That, this Hon'ble court may kindly be pleased to issue direction to the respondent no.2 to reconsider claim of the petitioner for medical reimbursement and for order grant medical reimbursement of Rs 3,32,942/-, with interest 10% per annum to the petitioner."

2. The petitioner has challenged the order dated 02.09.2021, whereby the claim of the petitioner for medical reimbursement amounting to Rs. 3,32,942/- has been rejected by the Director, Chhattisgarh Medical Education/respondent No.2.
3. Learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant Director in the office of the Divisional Joint Director, Treasury, Accounts and Pension, Raipur. He would further submit that the petitioner submitted an application on 05.05.2020 to the competent authority seeking permission for dental treatment according to the provisions contained in the CG Civil Services (Medical Attendance) Rules, 2013. He would also submit that the said treatment was undertaken and completed during the period from 05.05.2020 to 01.09.2020, thereafter, the petitioner submitted an application for medical reimbursement to the tune of Rs.3,32,942/- along with all relevant documents, which was rejected by the respondent No.2 on 02.09.2021 without assigning sufficient reasons.
4. On the other hand, learned State counsel would oppose the submissions made by counsel for the petitioner and submit that the Assistant Director, Health Education Department, Chhattisgarh, after receipt of application, wrote a letter to the Principal, Government College, Raipur on 16.03.2021 seeking their approval. He would contend that pursuant to said letter, a Directorate-level committee was constituted to examine the petitioner's claim. He would further contend

that the committee, comprising doctors/Professors/Lecturers, examined the case of the petitioner and found that there was no contingency existed to rush private hospital for dental treatment, thus petitioner's application was rejected. He would contend that the petition is misconceived and may be dismissed.

5. The Rule 3(k) of the Rules, 2013 deals with "treatment", which includes the following categories:-

(k) "Treatment" means all the medical and surgical treatment, facilities which are available and used in the hospital, where an employees is treated and it includes the following:

- (i) pathological, Bacteriological, X-ray related diagnosis and treatment, Radio Imaging or use of any other such diagnosis which are considered necessary by the Authorised Medical Officer/Attendant;
- (ii) supply of such medicines, vaccines, serum and other medical articles, which should be generally available in the hospital;
- (iii) such treatments which are generally made available by the hospital to in-patients;
- (iv) blood transfusion;
- (v) ultra-violet light,
- (vi) general nursing,
- (vii) dialysis and haemodialysis,
- (viii) lithotripsy,
- (ix) in case of women
 - (a) treatment during maternity, antenatal and postnatal treatments;
 - (b) douching;
 - (x) panchkarma and kshar-sutra treatment;

(xi) such other facilities which are being notified from time-to-time by the State Government."

6. A bare perusal of the categories described in Rule 3(k) would make it clear that dental treatment is not part of the treatment defined under Rule 3(k) of the Rules, 2013.
7. Rule 11 of the Rules, 2013 deals with post-facto sanction and same is reproduced as under:-

"(1) In emergency circumstances, in cases of treatment obtained in recognized private hospitals located within the State or outside the State, a post-facto sanction has to be obtained. In absence of post-facto sanction, no reimbursement of the expenses incurred for treatment in such cases may be made.

(2) The case regarding post-facto sanction shall be sent to Director Medical Education/Director AYUSH, as the case may be, after duly investigated by Controlling Officer of employee, having made its abrogation on the basis of merits/demerits, post-facto sanction shall be issued by the Director Medical Education/Director AYUSH.

(3) The cases of post-facto sanction of the treatment obtained from non-recognised private institutions within the State/outside the State shall be sent to the State Government, Health and Family Welfare Department with the recommendation of Director Medical Education/Director AYUSH, as the case may be, for abrogation.

(4) Director Medical Education/Director AYUSH can constitute a Specialist Committee for the investigation of the cases of post-facto sanction.

(5) The following committee shall be constituted as under for the abrogation of cases of post-facto sanctions at State Government level:

1.	Principal Secretary/Secretary, Health and Family	Chairman
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	Welfare Department.	
2.	Director, Medical Education	Member
3.	Director, AYUSH	Member
4.	Director, Health Services	Member
5.	Representative of Finance Department (Officer not below the rank of Deputy Secretary)	Member
6.	Two Subject Specialists (Nominated by the State Government)	Member

..”

8. Bare reading of this provision would make it that in emergency cases, treatment taken in recognized private hospitals (within or outside the State) requires post-facto sanction for reimbursement; without it, expenses can not be reimbursed. Further, if treatment is taken in non-recognized hospitals, the case should be sent to the State Government (Health and Family Welfare Department) with recommendations. A Specialist Committee may be formed for investigation, and a State-level committee takes final decisions on such sanctions.
9. Rule 13 of the Rules, 2013 deals with reimbursement and same is reproduced as under:-

“Rule - 13. Claim for medical re-imburement.

- (1) For medical expenses reimbursement an application in Form-I shall be submitted to Controlling Officer within a period of six months from the date of incurring expenses:
Provided that where the employee himself is Controlling Authority, the calculation of six months period shall be made with reference to date of submission of demand to the Treasury Officer.
- (2) Along with each application submitted under sub-rule (1) of this rule, the requisite certificate in Form-II duly signed by Authorised Medical Attendant and cash memo receipt in relation to the payments for the expenditure of the treatment and room rent duly countersigned by him shall be submitted:
Provided that where the medicines prescribed by Authorised Medical Attendant are out of the rate list of medical stores depot, in such cases, where he himself is not Authorised Medical Attendant, the

requisite certificates shall be countersigned by the Civil Surgeon/District Ayurved Officer, as the case may be:

Provided further that having obtained treatment in Medical College, it shall be countersigned by Controlling Officer, Joint Director-cum-Superintendent/Deputy Director of the Hospital."

10. From perusal of the above quoted Rules, it is apparent that an application for medical reimbursement (Form-I) must be submitted within six months of treatment (or from Treasury submission if the employee is the Controlling Officer), along with Form-II certificate, bills, and countersigned receipts etc. & after enquiry the committee may grant sanction of disbursement.
11. In the present case, there was no contingency and no prior sanction was obtained by the petitioner from the competent authority. Further, the treatment availed by the petitioner is not covered under Rule 3(k) of the Rules, 2013, therefore, in the opinion of this Court, no case is made out for interference. Accordingly, this petition is hereby **dismissed**. No order as to cost.

Sd/-

Rakesh Mohan Pandey

JUDGE