

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7708/2026

General Manager, Telecom

-----Petitioner

Versus

Smt. Vijaylakshmi Sharma W/o Late Shri Vishwabhusan
Sharma And D/o Shri Pooranchand Chouri

-----Respondent

For Petitioner(s)	:	Mr. Gaurav Sharma Saraswat
For Respondent(s)	:	Mr. Kritin Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Order

06/05/2026

1. Learned counsel for the petitioner submits that the respondent's husband was an employee of BSNL who unfortunately passed away on 29.11.2013. It is submitted that during his service, he incurred medical expenses to the tune of approximately Rs. 1,45,711/- at Mittal Hospital, Ajmer and Heart & General Hospital, Jaipur. It is next submitted that the claim *qua* the reimbursement of the said expenses was duly submitted to the petitioner-department but the same was rejected owing to non-compliance with the mandatory requirements of the BSNL Medical Reimbursement Scheme.

2. It is further submitted that the respondent preferred a consumer complaint before the learned District Consumer Disputes Redressal Forum, Ajmer (for short, 'learned DCF'). It is next submitted that vide order dated 06.08.2025, the learned DCF allowed the said complaint and awarded the claimed amount, along with applicable interest, Rs. 20,000/- towards

compensation, and Rs. 20,000/- as a penalty payable to the Consumer Welfare Fund. It is further submitted that an appeal preferred against the same was dismissed by the learned State Consumer Dispute Redressal Forum (for short, 'learned SCF') vide order dated 05.02.2026.

3. Learned counsel further submits that the learned DCF and SCF lack the jurisdiction to adjudicate disputes arising out of an employer-employee relationship. It is also submitted that by no stretch of the imagination can an employee, or their dependent family members, seeking medical reimbursement under service rules be construed to fall within the four corners of the definition of a 'consumer' as enshrined under the Consumer Protection Act, 2019.

4. It is contended that the reliance placed by the learned fora on the dictum enunciated by the Hon'ble Supreme Court in **Indian Medical Association Vs. V. P. Shantha and Ors.** reported in **(1995) 6 SCC 651**, is fundamentally misplaced. It is submitted that the said dictum governs the relationship between a medical practitioner and a patient, as a service provider and consumer, whereas the present controversy pertains to an employer and an employee, which involves a contract of personal service and the same is explicitly excluded from the purview of service provider-consumer relationship.

5. *Per contra*, learned counsel has marked appearance on behalf of the respondent by way of a caveat. It is submitted that the ratio laid down by the Hon'ble Supreme Court in **V. P. Shantha (supra)** is squarely applicable to the present *lis*, as medical reimbursement forms an integral part of the employee's

salary and service conditions, and therefore, the same will fall within the domain of 'service'.

6. Learned counsel for the respondent also raises a strong preliminary objection regarding the maintainability of the present writ petition on the ground of an available alternative statutory remedy with the petitioner. It is submitted that the petitioner should approach the learned National Consumer Disputes Redressal Commission (NCDRC) against the order passed by the learned SCF.

7. To substantiate the maintainability of the writ petition in the face of an alternative remedy where a question of jurisdiction is involved, learned counsel of the petitioner relied upon the dictum encapsulated by the Hon'ble Supreme Court in **Whirlpool Corporation v. Registrar of Trade Marks, Mumbai & Ors.** reported in **(1998) 8 SCC 1**.

8. Heard the preliminary submissions advanced by the learned counsel for the parties.

9. List the matter on 30.06.2026.

10. In the meantime, the effect and operation of the impugned orders passed by the learned District Consumer Disputes Redressal Forum, Ajmer, as well as the learned State Consumer Disputes Redressal Commission shall remain stayed.

11. It is directed that detailed reply be filed by the respondent.

(SAMEER JAIN),J