

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7884/2021

1. Chief Medical Officer, General Hospital Sawaimadhopur
2. Additional Director (MA) Cum Health Services,
Government Of Rajasthan.
3. Principal Secretary To The Government Medical And
Health Services, Rajasthan Jaipur.
4. State Of Rajasthan, Through District Collector
Sawaimadhopur.

----Petitioners

Versus

Satish Sharma S/o Late Haribhajan Sharma, Aged About 43
Years, R/o 50 Indira Colony, Bajaria, Swaimadhopur.

----Respondent

For Petitioner(s)	:	Mr. Archit Bohra, AGC
For Respondent(s)	:	Mr. Tarun Jain

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

21/04/2026

1. The petitioner-State Department has filed the present writ petition challenging the order dated 22.01.2020 passed by permanent Lok Adalat, Sawai Madhopur, whereby the respondent was held entitled for reimbursement of Rs.2,01,609/- in respect of the medical bills incurred for the treatment of deceased Government Servant.
2. Learned counsel for the petitioner-State submits that without any reference from the concerned hospital, the deceased Government servant was admitted to a hospital in Jaipur on 26.05.2005 and thereafter expired on 27.05.2005. He submits that since there was no reference by a competent doctor to the said hospital, therefore, the respondent, being the son of the

deceased, is not entitled to reimbursement as claimed before the Permanent Lok Adalat. He further submits that there was an inordinate delay in approaching the Permanent Lok Adalat for claiming reimbursement of the medical expenses. In view thereof, it is prayed that the impugned order dated 22.01.2020 be quashed and set aside.

4. Per contra, learned counsel for the respondent submits that the deceased Government Servant namely, Haribhajan Sharma on account of a serious medical condition, was admitted to Tongia Hospital, Jaipur on 26.05.2005, where despite given treatment, he unfortunately expired on 27.05.2005. It is submitted that a sum of Rs.2,01,609/- towards medical expenses was claimed by the respondent, being the son of deceased and same was rightly allowed by the Permanent Lok Adalat, Sawai Madhopur. Learned counsel submits that the Permanent Lok Adalat rightly considered the judgments, wherein, the co-ordinate Bench of this Court has granted reimbursement in similar circumstances.

5. Heard learned counsel for the parties.

6. The core question in the present writ petition pertains to reimbursement of medical expenses incurred by the respondent, whose father, a Government servant, expired in the hospital after being treated for a heart ailment. The applicable policy/rules in existence during the year 2004-05 makes the respondent entitled to reimbursement of all medical expenses incurred for treatment of a Government servant. The permanent Lok Adalat has rightly considered the relevant judgments of that period, where such claims attained finality and the State also made the payment in all matters of **(i) Kailash Prasad Gupta Vs. State of Rajasthan**

RLW [2005(3) Raj 1828] (ii) Himmat Singh Vs. State of Rajasthan (iii) Anil Kumar Surolia Vs. State of Rajasthan [2005(2) RLR 33] (iv) Laxman Taneja Vs. State of Rajasthan [2005(3) RLR 112] (v) V.D. Saxena Vs. State of Rajasthan [2003(3) RLR 629].

7. Admittedly, the case of the respondent pertains to the same period. Denial of reimbursement to the petitioner by the department is highly unjustified, moreso when the Government servant expired during the course of treatment in the hospital. Since the case of the petitioner pertains to the same period, then failure to apply the same applicable rules and conditions of reimbursement of medical expenses amounts to discrimination and is violative of Article 14 of the Constitution of India. The technical objection regarding delay in approaching the Permanent Lok Adalat has been raised by the counsel for State on account of the fact that the person died in 2005, however, the respondent approached the Permanent Lok Adalat in the year 2018-19, therefore, on account of an inordinate delay, the respondent is not entitled to reimbursement of the claim. Such technical objection is highly unjustified on the part of the State when the case of similar persons were examined by the co-ordinate Bench of this Court at the relevant time and they were held entitled for medical expenses.

8. This Court finds no illegality in the order passed by the Permanent Lok Adalat dated 22.01.2020.

9. In view of the above, the writ petition is devoid of merit and is accordingly dismissed.

10. The petitioner State is directed to ensure payment of the entire amount within a period of 30 days from today, failing which appropriate contempt proceedings may be initiated for non-compliance and delayed payment.

(RAVI CHIRANIA),J

PAYAL DHAWAN /1