

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.319 OF 2001

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

NAUNIHAL SINGH

Respondent(s)

O R D E R

This appeal is directed against the judgment passed by the Division

Bench of the High Court of Punjab and Haryana whereby the Division Bench

has allowed the Writ Petition filed by the Petitioner-Respondent(herein) and

directed the Union of India to pay the sum of Rs.1,60,000/-, (Rs.1,61,000/-)

the expenses incurred by the incumbent for replacing the pacemaker in the

B.R.S. Heart Institute, Panchkula.

Aggrieved against that order, the present appeal has been filed  
by

the Union of India.

It is not necessary to go into the detail facts of the case suffice it to

say that the Petitioner-Respondent(herein) was an employee of the Union of

India and had to incur medical expenses for replacing the pacemaker at the B.R.S. Heart Institute, Panchkula and for that purpose he incurred the expenses in the sum of Rs.1,60,000/- (Rs.1,61,000/-), but the Government of India as per their policy for medical reimbursement No.F. No.S.1402/17/96-35 dated 30.9.1997 has enumerated expenses to be incurred for the various medical treatments and at item No.5 with regard to pacemaker they have quantified the amount to the tune of Rs.1,15,500/- or the actual cost whichever is less. Therefore, the stand of the Union of India before the Division Bench of the High Court was that as per the Government circular the Petitioner-Respondent (herein) was only entitled to Rs.1,15,500/- and therefore they only sanctioned Rs.1,15,000/-. Against this, the Petitioner approached the High Court and the High Court awarded the full reimbursement of the expenses incurred by the Petitioner-respondent (herein)relying on a previous judgment of the High Court in Madhu Sharma v. The Principal, Kendriya Vidyalaya, Sector 31, Chandigarh reported in 1998 94 RSJ 299.

Learned counsel for Union of India has invited our attention to  
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decision of this Court given in the case of State of Punjab v. Ram Lubhaya Bagga reported in (1998) 4 SCC 117 wherein the identical policy of the Government dated 13.2.1995 was upheld and this Court held that though it is the responsibility of the State to take care the health of every individual but looking to the limited financial resources, this Court has upheld Government's new policy dated 13.2.1995. Learned counsel for the appellant submits that the impugned policy is almost identical with that of the policy laid down on 13.2.1995 and, therefore, the decision in State of Punjab v. Ram Lubhaya Bagga (supra) fully covers the controversy involved in the present appeal. The submission of the learned counsel is justified. So far as the policy as contained in the impugned judgment is concerned, the same is upheld in view of above decision. Though the Division Bench has not set aside the policy, but the Division Bench has permitted the Petitioner-respondent (herein) for full reimbursement to the extent of Rs.1,60,000/- (Rs.1,61,000/-). In the case of State of Punjab v. Ram Lubhaya Bagga (supra) their Lordships in paragraphs 37,38 and 39 while upholding the

policy has permitted the full reimbursement to the incumbent. Similarly, though the incumbent in the present case has incurred an expense of Rs.1,60,000/- and that amount has already been paid, we direct that the amount in question may not be recovered from him but we uphold the policy No.F.No.S.1402/17/96-35 dated 30.9.1997. The appeal is accordingly disposed of. No order as to costs.

We make it clear reimbursement to the Petitioner-respondent (herein) as approved by us be not treated as a precedent but has been given on the facts and circumstances of the case.

.....J.

(A.K. Mathur)

.....J.

(Lokeshwar Singh Pant)

New Delhi;

March 20, 2007.

ITEM NO.108

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 319 OF 2001

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

NAUNIHAL SINGH

Respondent(s)

(With appln(s) for permission to file copy of the application dated 15.1  
1.2000 along

with receipts and with office report)

Date: 20/03/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Ashok Bhan, Adv.

Mrs. Asha G. Nair, Adv.

Mr. Y.P. Mahajan, Adv.

Mr. D.S. Mahra, Adv.

Mrs Anil Katiyar, Adv.

For Respondent(s)

Mr. P.N. Puri, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order. No order as

to costs.

(K.K. Chawla)

Court Master

(Radha R. Bhatia)

Court Master

[Signed order is placed on the file]