
(2014) 08 P&H CK 0007
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1744 of 2011

Constable Baljinder Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 11-08-2014

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2015) 177 PLR 243

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Advocate : S.K. Sharma, Advocates for the Appellant; Sanjay Joshi, Advocates for the Respondent

Judgement

Jaswant Singh, J.—The petitioner has filed the present writ petition under Article 226 & 227 of the Constitution of India for issuance of writ of certiorari and mandamus for quashing the order dated 15.02.2008 (Annexure P3) and order dated 21/22.02.2008 (Annexure-P4). The petitioner was enrolled as Constable with the Central Industrial Security Force (CISF) on 17.06.1991. While his posting at CISF Unit, DHEP Dalhasti, (Jammu & Kashmir), he is stated to have got Root Canal Treatment of his wife conducted at a private clinic on 24.07.2007. He is stated to have incurred an expense of Rs. 2,569/- and submitted a bill dated 10.09.2007. It appears pursuant to sanction order dated 31.10.2007 (Annexure R/IX), for the said treatment undertaken from 18.06.2007 to 17.10.2007 by the wife of the petitioner, Smt. Paramjeet Kaur, an amount of Rs. 1022/- was paid. Subsequently, the respondent authority realizing that in view of the provision of Note 2 of Rule-8(2) of Central Attendant (Medical Attendant) Rules, 1944, as applicable postulated that the treatment by a Pvt. Dentist is not entertained under any circumstances, a letter dated 15.02.2008 (Annexure P-3) was issued to the petitioner by the Commandant requiring him to deposit a sum of Rs. 1022/- released pursuant to the sanction order dated 31.10.2007. The petitioner filed his reply dated 19.02.2008 (Annexure R-VII) to the said notice for withdrawal of the amount of Rs. 1022/-. The said reply was considered and

rejected, and a letter dated 21/22.02.2008 (Annexure P-4) was issued to the petitioner directing him to deposit the aforesaid amount with the Unit Cashier. Hence the present writ petition seeking quashing of P-3 and P-4 and a direction for reimbursement of the amount incurred for the dental treatment of his wife.

2. A detailed written statement has been filed, wherein it is stated that as per Note-2 below Rule-8(2) of the Central Services Medical Attendant Rules, 1944, the treatment by Pvt. Dentist or Oculist is not admissible under any circumstances, whatsoever, even if it is on the advice of the Authorized Medical Attendant. The extraction of the Rules is reproduced as Annexure R-3. It further states that wife of the petitioner had undertaken her initial treatment at a Govt. Hospital, namely, NHPC wherein the doctor referred her to a Dentist at Sub Divisional Hospital (SDH), Distt. Hospital, Kishtwar for further treatment on 24.07.2007, enclosed as (Annexure R-I). It further states that the answering respondents relied on the GOI decisions framed under the aforesaid Rules which provides that enumerated advice on dental treatment obtained at Government Hospitals under the 1944 Rules are only eligible for a reimbursement of the incurred expenses. The wife of the petitioner had availed treatment at a Private Clinic, DAR, therefore was not entitled to any reimbursement. He further states that even as per reimbursement in emergent cases, as per Appendix-8 of the 1944 Rules in the Note-2 it is being clarified that the relaxation for reimbursement in emergent cases is not exercisable in respect of dental treatment, which is admissible only if the treatment is obtained in Government/Recognized Hospitals.

3. Learned counsel for the petitioner has relied upon the judgments K.L. Kohli Vs. State of Punjab and Others, and Mohinder Singh Chawla Vs. The State of Punjab and Others, , to state that the petitioner is entitled to the release of the aforesaid expenses incurred for the dental treatment of his wife.

4. On the other hand, learned counsel for the respondent has argued on the reliance of the case set out in the written statement.

5. Counsel for the parties heard at length.

6. It is conceded that the relevant rules governing the entitlement for reimbursement are the Central Services Medical Attendant Rules, 1944 (for short "1944 Rules"), it also cannot be disputed that Note below Rule-8 sub-rule 2 of the said 1944 Rules specifically bar reimbursement of expenses incurred for dental treatment in any private hospital even if referred by any Medical Attendant. Even in cases of reimbursement for emergent situation, there is a specific provision debarring the reimbursement of expenses incurred for dental treatment other than Government/Recognized Hospitals. It is not in dispute that expenses incurred by the wife of the petitioner at a Private Clinic against the advice of the referral hospital as noticed in the preceding para. Thus the petitioner is not entitled for reimbursement of the medical bill of his wife Smt. Paramjit Kaur for her dental treatment undertaken at a private clinic and,

therefore, the impugned order asking for the refund of the said amount mistakenly released for the said treatment cannot be held to be arbitrary. The judgments cited by the learned counsel for the petitioner are not relatable to a rule of the nature as noticed herein above. Hence on facts they are distinguishable and do not advance the case of the petitioner. Thus, this Court found no merits in the present petition.

Dismissed.