
(2013) 09 P&H CK 0346

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 1473 of 2013 (O and M)

Hem Raj Mittal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 16-09-2013

Acts Referred:

Citation : (2013) 4 PLR 668

Hon'ble Judges : Jaspal Singh, J;Ajay Kumar Mittal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Ajay Kumar Mittal, J.

C.M. No. 3754-L.P.A. of 2013

Application is allowed and the delay of 243 days in refilling the appeal is condoned.

L.P.A. No. 1473 of 2013

1. The appellant being aggrieved by the judgment dated 9.8.2012 passed by the learned Single Judge in C.W.P. No. 12017 of 2011, whereby the claim of the appellant for balance amount of Rs. 20,988/- along with interest @ 18% per annum on account of reimbursement of medical bills, has approached this Court under Clause X of the Letters Patent impugning the aforesaid judgment. Put shortly, the facts necessary for adjudication of the present appeal as narrated therein may be noticed. The appellant suffered heart ailments in the year 2007-08 and was advised bye-pass surgery. He got done his bye-pass surgery from 11.11.2008 to 19.11.2008 at Inderprasth Apollo Hospital, New Delhi, a recognized hospital by the State Government. Before that, the appellant undertook angiography on 31.10.2008 at Fortis Hospital, Mohali. The appellant took a package for bye-pass surgery from Inderprasth Apollo Hospital amounting to Rs. 2,20,000/- and paid the said amount vide receipts dated 11.11.2008. He

also paid a sum of Rs. 601/- as professional fees and Rs. 100/- as registration fee. Before that, the appellant had also spent a sum of Rs. 14,359/- on account of angiography and medicine on 31.10.2008 at Mohali. Thus, the appellant spent a total amount of Rs. 2,35,060/- on account of bye-pass surgery etc. The appellant submitted the medical bills before the concerned authorities for reimbursement of the same. The respondent-authorities instead of releasing the amount to the appellant started raising frivolous objections for one reason or the other. Accordingly, the appellant served a legal notice on 15.9.2010 for reimbursement of the medical bills." Upon which, a sum of Rs. 1,16,700/- was sanctioned instead of Rs. 2,41,980/- which was released on 6.5.2010. Thereafter, the appellant sent various representations including a detailed representation dated 3.9.2010 to respondent No. 2 but no action was taken thereon. Feeling aggrieved, the appellant filed C.W.P. No. 12017 of 2011. The said writ petition was dismissed by this Court vide order dated 9.8.2012 holding that the appellant-writ petitioner, had been granted the benefit of reimbursement as per the policy of the Government of Haryana and, therefore, the claim made by him did not sustain. Still dissatisfied, the appellant approached this Court by way of instant Letters Patent Appeal.

2. Learned counsel for the appellant submitted that the appellant had taken a package of Rs. 2,20,000/- from Indraprasth Apollo Hospital for Heart Bye-pass Surgery and the aforesaid amount was paid on 11.11.2008 by him. It was also claimed that further amount of Rs. 601/- on account of professional fees and Rs. 100/- on account of registration fee was also paid. Learned counsel for the appellant argued that the similarly situated persons had taken packages from Indraprasth Apollo Hospital and their bills were reimbursed whereas in the case of the appellant, the same was not being reimbursed. He has sought to draw parity with Bhagat Singh, Sneh Lata Sood and Promila Yadav.

3. After hearing learned counsel for the appellant, we do not find any merit in the appeal. The plea of parity for the release of the amount in the cases of Bhagat Singh, Sneh Lata Sood and Promila Yadav was repelled by the learned Single Judge with the following observations:--

The objection which was raised by counsel for the petitioner that similarly placed employees who had taken packages have been granted the benefit of the packages, breaking-up the said package into different categories or standard deductions. This stand of the petitioner has been duly responded by the respondents by stating that distinction has been found to be in the professional fee which was charged by the doctors. This justification given by the respondents is reasonable and therefore, the stand of the petitioner with regard to the ground of discrimination qua the petitioner is not sustained. The petitioner has been granted the benefit of reimbursement as per the policy of the Government of Haryana and therefore, the claim as made by the petitioner in the present writ petition does not sustain.

4. It was categorically noticed by the learned Single Judge that there was

distinction between the cases on which the parity was claimed as professional fee which was charged by the doctors was different in those cases and in the present case. Further, the appellant had been granted the benefit of reimbursement as per the policy of the Government of Haryana and the Director, Health Services had assessed the eligibility amount for reimbursement to be Rs. 1,16,700/- which was duly reimbursed to the appellant. Learned counsel for the appellant was unable to refer to any material on the basis of which it could be said that the total amount which was paid on account of package was relating to the medical expenses only and it did not include other ancillary expenses like boarding of a patient etc.

5. In view of the above, we do not find any ground to interfere with the impugned order dated 9.8.2012 passed by the learned Single Judge. Accordingly, finding no merit in the appeal, the same is hereby dismissed. The appeal was barred by limitation. An application bearing C.M. No. 3755-L.P.A. of 2013 has been filed for condonation of 8 days" delay in filing the appeal. Since the appeal has been dismissed on merits, no further orders are required to be passed in the application for condonation of delay in filing the appeal and the same is disposed of as such.