
(2018) 07 RAJ CK 0019

In the Rajasthan High Court

Case No : Spl. Appl. Writ No. 317 of 2015

State Of Raj. And Ors. @APPELLANT@Hash Smt. Santosh Surolia

Date of Decision : 03-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0019

Hon'ble Judges : PRADEEP NANDRAJOG, CJ; VINIT KUMAR MATHUR, J

Bench : Division Bench

Advocate : Sunil Joshi, Rajesh Panwar

Final Decision : Allowed

Judgement

Civil Misc. Application No.220/2015:

1. For the reasons stated in the application delay in filing the appeal is condoned.

Special Appeal (Writ) No.317/2015:

1. Unfortunately none appears for the contesting respondent No.1.

2. We have heard learned counsel for the appellants.

3. Late Laxmi Narain Suroli superannuated as an employee under the State of Rajasthan.Â The respondent, being his widow, became entitled to receive family pension and medical relief as per the Medical Concession Scheme for Pensioners.

4. In the year 2006 she proceeded to Faridabad in the State of Haryana to meet her daughter and developed discomfort.Â In an emergent condition she was rushed by her daughter to the nearest hospital i.e. Metro Heart Institute at Faridabad.Â Coronary Angiography revealed Double Vessel Disease.Â Doctor advised PTCA with stenting to LAD and LCS and Angioplasty with Stenting to left renal artery.Â The procedure was undertaken at the said

Institute.Â The respondent was discharged on 15th August, 2006. She spent ☐ 2,50,000/- in the hospital towards medical treatment and submitted the bill for reimbursement which was not cleared for payment on the reasoning that the respondent has undertaken treatment at a non-recognized hospital outside the State.

5. Writ petition filed by the respondent has been disposed of by the impugned order dated 14th January, 2015.Â Limited relief has been granted.

6. The learned Single Judge has noted Clause-4A of the Concession Scheme as per which if the respondent had undertaken the treatment in an emergent condition at a private recognized hospital outside the State of Rajasthan she would be entitled to financial assistance upto 80% of the expenditure or ☐ 1,20,000/- whichever is less.Â The learned Single Judge has noted an executive order dated 19th December, 2004 as per which reimbursement for heart ailment undertaken in recognized hospitals outside the State of Rajasthan with or without the recommendations of the Medical Board were sanctioned.Â The learned Single Judge has noted another executive instruction dated 21st December, 2009 which reads as under:

â??No. F.1(6) FD(Rules)/2012 Jaipur dated 21 DEC 2009

Subject:- Reimbursement of cost of implants and reimbursement of medical attendance and treatment in private hospitals to pensioners/family pensioners under Rajasthan Pensioners Medical Concession Scheme.

State Government has decided to extend the facility of Medical Attendance and treatment to State pensioners / family pensioners in private or

charitable hospitals, as applicable to State Government servants under Finance Department order No. F.6(4)FD(Rules)/03 Pt.-I dated 27.11.2009

pertaining to the period prior to 19.06.2009.

Such claims of treatment shall be considered and decided by the Sub-Committee of the Trust.â??

7. Being a case of a beneficial policy the learned Single Judge has interpreted the executive instruction dated 21st December, 2009 as applicable to

claim towards reimbursement irrespective of the fact whether medical treatment was taken at a recognized or non-recognized hospital.

8. In view of the language of the office order dated 21st December, 2009, since we are dealing with a beneficial policy, we agree with the view taken

by the learned Single Judge that the executive order has to be construed liberally.Â Allowing the writ petition the learned Single Judge has directed

that the payment has to be made in accordance with Clause-4B and Clause-4E of the Amended Medical Concession Scheme dated 19th December,

2004 which has been quoted by the learned Single Judge on page 9 of the impugned order.

9. We find no infirmity in the view taken by the learned Single Judge keeping in view the executive instruction dated 21st December, 2009.

10. The only issue which remains to be considered is the grant of interest to the respondent which we note is @ 9% per annum from the date of

submission of the bill till the date of actual payment with further condition that if within eight weeks the payment is not made interest shall stand

enhanced to 12% per annum.

11. Learned counsel for the appellants states that in March, 2015 amount reimbursable has been paid to the respondent in sum of ₹ 99,400/-.

12. Since the issue which was debated before the learned Single Judge was an arguable point, the interest if at all liable to be awarded was from the

date of decision and not from the date preceding the decision.Â Since the principal sum payable has been reimbursed to the respondent within eight

weeks of the impugned order being passed, we set aside the direction in the impugned order regarding payment of interest.

13. The appeal is partially allowed.Â Direction to pay interest in the impugned order is set aside.Â Rest of the order is sustained.

14. No costs.