

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00916/2018

Chandigarh, this the 09th day of October, 2018

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

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J.K. Duggal son of Sh. H.R. Duggal, aged 80 years, H. No. 82,
Sector 19 A, Chandigarh – 160019.

....Applicant

(Present: Applicant in person)

Versus

1. Government of India through Secretary, Department of Personnel and Training, North Block, Central Secretariat, New Delhi – 110001.
2. State of Haryana through Chief Secretary, Government of Haryana, Haryana Civil Secretariat, Chandigarh – 160001.

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Respondents

(Present: Mr. Samarveer Singh, Advocate for Resp. No. 2)

ORDER

SANJEEV KAUSHIK, MEMBER (J)

1. By means of the present O.A., the applicant seeks a direction from this Tribunal to the respondents to reimburse the amount he incurred on treatment of his wife along with interest @ 18 % per annum.

2. After exchange of pleadings, the matter came up for hearing. On the commencement of hearing, the applicant, who is appearing in person, very fairly submitted that the respondents have reimbursed the medical expenses incurred by him on the treatment of his wife, but they have not awarded interest on delayed payment. He prayed that the respondents be directed to pay him interest @ 18% p.a. on the said amount of medical expenses for the period they delayed its reimbursement.

3. Mr. Samarvir Singh, Deputy Advocate General (Haryana) for Respondent No. 2, vehemently opposed the prayer of the applicant for award of interest on delayed reimbursement of medical claim. He relied upon judgments of the Hon'ble Supreme Court in the case of **Om Prakash Gargi Vs. State of Punjab and Others** (1996) 11 SCC 399, to buttress his plea that the applicant cannot claim interest on reimbursement of medical expenses.

4. We have given thoughtful consideration to the entire matter.

5. In the wake of above noted facts, the only issue that survives for adjudication by this Tribunal is, whether interest can be awarded if reimbursement of medical expenses is delayed by the respondents, or not?

6. This issue came up for consideration before the Jurisdictional High Court in the case of **Waryam Singh Vs. State of Punjab** (1996) 113 PLR 339 where a Division Bench have held that the applicants therein entitled to award of interest on the reimbursed amount of medical expenses, beyond the period of three months after submission of claim. Subsequent to that, the matter was considered in the case of **Shamsher Singh Pattar Vs. State of Haryana and Others** (CWP No. 7816 of 2015) decided on 31.08.2016 and the learned Single Judge, while relying upon the judgment in the case of Waryam Singh (supra) awarded interest @ 12% p.a. on the delayed reimbursement of medical expenses. However, that order was challenged in LPA No. 2125/2016 where a Division Bench of the Hon'ble High Court of Punjab and Haryana set aside the order of the Hon'ble Single Judge qua imposition of costs and award of interest. Not only that, the Lordships in the case of Om Prakash Gargi (supra), as relied upon by the

respondents, have considered the similar issue and dismissed the petition by holding that no interest can be awarded on the delayed payment of medical reimbursement. The relevant portion thereof is extracted hereunder:-

“We do not find any force in the contention. It is true that but for the benefit of reimbursement of the amount granted by the Government, the petitioner has no right to claim reimbursement. The question is: Whether on account of delay in reimbursing the amount incurred towards medical expenses, the State should be liable to pay also interest on the delayed payment? We are of the view that it is inexpedient and not proper to direct the State to pay interest for delay in payment of the reimbursement amount. It requires verification of the amounts spent by the petitioner and similar person. His right only is to get reimbursement and it does not follow that for the delay in the payment of medical reimbursement, he should also be entitled to interest thereon. The order passed by this Court on an earlier occasion was to the effect of dismissing the special leave petition in limine. Therefore it does not furnish any for following the same. Under these circumstances, we do not think that it would be proper to direct payment of interest on the delayed reimbursement of the medical expenses incurred by a Government servant.”

7. Interest is payable when a person is deprived of use of money belonging to him without any lawful reasons. That is also for the reason that the other party used the said amount and also gained interest. Therefore, the Court, in such a situation allows/awards interest to compensate. But, in the present situation, the non-grant of the reimbursement is firstly falling from policy where there is no clause for award of interest on delayed payment of reimbursement. Secondly till the authority approves it, as per the policy, he cannot claim or say that this much amount was due to him.

8. In view of the facts and recent law position on the issue, we find no reason to award interest on the delayed payment of medical reimbursement. The O.A. is dismissed to that extent. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 09.10.2018

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