

**STATE HAS A CONSTITUTIONAL OBLIGATION TO BEAR THE MEDICAL EXPENSES OF EMPLOYEES WHILE IN SERVICE AND ALSO AFTER THEY ARE RETIRED - WHETHER A MEMBER OF CGHS OR NOT**

**DELHI H C GRANTS REIMBURSEMENT WITH 18% INTEREST**

1. By the present petition filed under Article 226 of the Constitution of India, the petitioner seeks directions to direct the respondents for reimbursement of the medical expenses incurred by the petitioner.
2. The issue is no more res Integra as in the case of S K Sharma (supra), this Court clearly held that the petitioner after getting retired cannot be denied the benefit of the medical reimbursement simply because of the fact that he did not opt for the said scheme.
3. In this case also the claim of the employee was rejected on the ground that he was not covered under the CGHS Rule not being a part of the scheme but still a retired Central Government employee residing in non-CGHS area can make a CGHS card for himself and his dependent family members from the nearest centre where CGHS is functional.
4. Further placing reliance on some authoritative pronouncements of the Apex Court, this Court in the above case took a view that the petitioner cannot be discriminated against, merely because he is not a member of the CGHS scheme as he was staying in a non-CGHS area.
5. In this case it is a settled legal position that the Government employee during his life time or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights on the pretext that he has not opted to become a member of the scheme or had paid the requisite subscription after having undergone the operation or any other medical treatment.
6. Under Article 21 of the Constitution of India, the State has a constitutional obligation to bear the medical expenses of Government employees while in service and also after they are retired.
7. Clearly in the present case by taking a very inhuman approach, these officials have denied the grant of medical reimbursement to the W P (C) No 889/2007 petitioner forcing him to approach this Court.
8. The respondents did not bother even after the judgment of this Court was brought to their notice and copy of the same was placed by the petitioner along with the present petition.
9. The respondents are directed to pay the said medical claim of the petitioner along with 18% interest from the date of submission of his bill. The said payment shall be made by the respondent within one month from the date of this order. Additional costs of Rs. 10,000/- is also imposed on the respondents for causing delay in making the said payment to the petitioner.

*[Kishan Chand vs Govt of NCT of Delhi & Ors - Delhi High Court - WP(C) No 889 /2007]*