

Retired employees entitled to medical reimbursement - Even if not opted for Medical Scheme: Court

Ruling that all government employees, even those retired, are entitled for medical reimbursement, the Delhi High Court Tuesday asked the Delhi government to pay the medical bills of a man who retired from a government enterprise in 2002.

Justice Kailash Gambhir asked the government to pay the medical expenses of Suraj Bhan and said: 'The state has a constitutional obligation to bear the medical expenses of government employees while in service and also after they are retired. Clearly in the present case by taking a very inhuman approach, these officials have denied the grant of medical reimbursement to the petitioner forcing him to approach this court.'

Bhan had approached court seeking reimbursement of his medical bills.

In 2003, following a circular issued by the government, Bhan got enrolled for the medical scheme and paid the premium on regular basis though he had retired a year earlier. In 2007, a new scheme was introduced, but he was not aware of it.

Bhan was suffering from asthma and was under treatment at the Sir Ganga Ram Hospital from July 3 to July 9, 2004. When he moved an application for reimbursement of Rs.33,654 towards hospital bills it was rejected by the employment officer as Bhan was not part of the 2007 scheme.

'It is quite shocking that despite various directions from the courts, the government in utter defiance of the law has taken a position that the pensioner is not entitled to the grant of medical reimbursement since he did not opt to become a member of the said health scheme after his retirement,' the court said and imposed a law suit cost of Rs.10,000 on the government.

The government said that since Bhan had not opted for the new scheme in 2007, he was not entitled to reimbursement.

'The scheme is prospective in nature and the same would be effective once an employee becomes a member of the scheme and not otherwise,' counsel for the government said.

'It is a settled legal position that a government employee during his life time or after his retirement is entitled to get the benefit of 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,' the court said.

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