

Court No. - 4

Case :- WRIT - A No. - 122 of 2025

Petitioner :- Smt. Maimuna Begum

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kalendra Prasad, Dharmendra Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties and perused the records.
2. The petitioner by means of the present writ petition under Article 226 of the Constitution of India has prayed for reconsideration of the reimbursement of medical bills that have been earlier forwarded to the Committee, but the same was returned only on the ground of delayed submission.
3. It is submitted by learned counsel for the petitioner that the petitioner being a widow, the authority ought to have taken a pragmatic view of the matter inasmuch as husband of the petitioner having died during treatment, the widow was badly shocked and could recover after sometime only.
4. From the perusal of the letter dated 17.12.2024, I find that the petitioner's claim for reimbursement has been returned only on the ground that it was not be submitted within 90 days period prescribed under the Rules.
5. In my considered view, if an employee has died during treatment, his wife/heirs should not be harassed for technical reasons. Such a rule that prescribes for submitting medical bills for reimbursement may at times be put to strict compliance where

employee is alive but in case of heirs where employee has died during treatment, such rules should not be permitted to come in the way of reimbursement of genuine claims of medical bills. The provision is liable to be held directory in nature.

6. I may further observe that where an employee and his heirs are entitled to certain incidental benefits of service, delay can not be permitted to operate as bar by applying law of limitation. No provision is placed before this Court that claims for reimbursement after 90 days shall be liable to be rejected compulsorily. Thus reason given by the authorities in returning the medical bills, therefore as such, cannot be countenanced.

7. In view of what has been observed and held above, this Court hereby directs petitioner to submit again the medical bills before the Executive Engineer, Public Works Department, Raebareilly within a period of four weeks, and in the event medical bills are submitted as directed hereinabove, the concerned respondent, this time, shall clear the same as per relevant rules by taking appropriate decision within a period of two weeks from the date of presentation of medical reimbursement bills.

8. This petition stands **disposed of** as above.

Order Date :- 17.3.2025

CS/-