

OM PRAKASH GARGI  
v.  
STATE OF PUNJAB AND ORS.

OCTOBER 7, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

*Medical expenses incurred by Government servant—Delay in reimbursement—Claim for interest—Held, the right of employee is to get reimbursement and it does not follow that for the delay in payment he should be entitled to interest thereon—It would not be proper to direct payment of interest on delayed reimbursement.*

*Constitution of India:*

*Articles 136 and 141—Petition for special leave—Dismissed in limine—Held, does not furnish any ratio decidendi.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)  
No. 19497 of 1996.

From the Judgment and Order dated 29.5.96 of the Punjab and Haryana High Court in C.M. No. 933/96 in L.P.A. No. 60 of 1996.

J.D. Jain and B.S. Gupta for the Petitioner.

The following Order of the Court was delivered :

This special leave petition has been filed against the order of the High Court of Punjab & Haryana made on 29.5.1996 in C.M. No. 933/96 in LPA No. 60/96.

Admittedly, the petitioner had claimed reimbursement of medical expenses spent in private hospital for heart disease. Ultimately, the amount came to be disbursed on August 28, 1991 but there was delay in payment thereof. The petitioner filed the writ petition. The High Court in LPA directed payment of the amount but disallowed interest at 12% as claimed by the petitioner. He filed a review petition and the same came to be dismissed. Thus this special leave petition.

- A It is contended by the learned counsel for the petitioner that in several cases, the Division Bench had directed payment of interest, but in this case, they have departed from the above principle. When a special leave petition was filed by the State, this Court had dismissed the same *in limine*. Therefore, the petitioner is entitled to the payment of interest.
- B 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 *ratio decidendi* 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.
- D
- E The special leave petition is accordingly dismissed.

R.P.

Petition dismissed.