

IN THE HIGH COURT OF HIMACHAL PRADESH AT  
SHIMLA

CWP No. 6885 of 2024  
Decided on : 26.11.2024

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Manoj Kumar

...Petitioner

Versus

State of Himachal Pradesh and others.

...Respondents

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Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?<sup>1</sup> Yes

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For the petitioner : Mr. Hamender Singh Chandel,  
Advocate.

For the respondents : Mr. Pushpinder Jaswal,  
Additional Advocate General, for  
respondents No.1 to 3.

Mr. Anil Chauhan, Advocate, for  
respondent no.4.

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Ajay Mohan Goel, Judge (*Oral*)

Respondent No.4 stands served. Mr. Anil Chauhan,  
learned counsel, has put in appearance on behalf of the said  
respondent.

2. The limited grievance of the petitioner in the present  
writ petition is that the medical reimbursement bills which have

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<sup>1</sup>Whether reporters of the local papers may be allowed to see the judgment?

been submitted by the petitioner, have not been reimbursed till date. The petitioner happens to be a serving employee of respondent No.4. He is serving against the post of Tax Clerk. On account of the ailment of his father, who had to undergo surgery in Government Medical College and Hospital, Chandigarh, in the year 2023, the petitioner is stated to have incurred a total expenditure of Rs. 14,60,000/-. For the reimbursement of the same, the petitioner has applied to the employer but the medical reimbursement till date has not been made on account of the reasoning which stands assigned in Annexure P-4, which is a communication dated 06.09.2023, which reads as under:-

“To

Sh. Manoj Kumar,  
Tax Clerk, SADA Kufri

**Subject:- Regarding Medical bill.**

*On the above cited subject it is intimated that you have submitted the medical reimbursement bill for payment amounting to Rs. 13,79,181/- (Thirteen lakh seventy nine thousand one hundred eighty one only). In this regard it is intimated that the Special Area Development Authority, Kufri has been*

*constituted under TCP Act, 1977 and Kufri Special Area notified vide Notification No. TCP- (5)4/2000 dated 30.11.2000 and as per Section 72(1) of the H.P. TCP Act, 1977 every Special Area Development Authority shall have its own fund and all receipts of that authorities shall be created thereto and all payment of that authority shall be made therefrom. The medical reimbursement bill is being paid to the incumbents working in SADA after regularization of their services. But, at present Special Area Development Authority, Kufri have no sufficient funds and authority is not in the position to disburse the salary of the staff and other office expenses.*

*The authority is not in the position to pay the medical bill submitted by you. Hence, the medical bill as submitted is returned herewith in original, please.”*

3. Having heard learned counsel for the parties and having perused the contents of the petition as well as documents appended therewith, this Court is of the considered view that once it is not in dispute that the petitioner is entitled for the medical reimbursement, then the plea of insufficiency of

funds cannot be a ground to deprive the reimbursement of medical bills for more than an year. The Court is not suggesting that the medical reimbursement should be to the tune as is being sought by the petitioner but the respondents cannot deny the medical reimbursement to which the petitioner is actually entitled to, in terms of the rules and regulations being followed by the respondents. Insufficiency of funds cannot be a ground to deny medical reimbursement for the reason that these are the expenses which already stand incurred by the employee out of his own pocket and it is thereafter the employee seeks reimbursement.

4. Therefore, as it is apparent from Annexure P-4 that it is only insufficiency of funds which stands spelled out in this annexure as a reason as to why till date the medical bills of the petitioner have not been reimbursed, this writ petition is disposed of with the direction that let the medical reimbursement of the petitioner be made within a period of four weeks from today, failing which, it shall also entail interest at the rate of 6% from the date of delivery of this judgment and the interest shall be recovered from Member Secretary, SADA, out

of the salary of the said Officer. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

November 26, 2024  
*(Shivank Thakur)*