



**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**CWP No. 4155 of 2025
Decided on : 17.11.2025**

Pritam Marshal

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ Yes

For the petitioner : M/s Dhiraj Thakur and Priyanka Chandel, Advocates.

For the respondents : Mr. Rahul Thakur, Deputy Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

"i. That a writ in the nature of certiorari may kindly be issued and the impugned order dated 22.01.2018, annexed with the instant petition as Annexure P-8 may be quashed and set aside.

ii. That a writ in the nature of mandamus may kindly be issued and the respondents be directed to

¹Whether reporters of the local papers may be allowed to see the judgment?

release the amount of Rs 1,25,000/- (illegally deducted/recovered by the respondents from the petitioner after his superannuation) forthwith the along with interest.”

2. The petitioner is aggrieved by Communication, Annexure P-8 at Page 36 of the paper book, in terms whereof, the competent Authority has ordered that the medical reimbursement claim bills of the petitioner be paid after deducting an amount of Rs.1,25,000/-, which was received by him under the Chief Minister's Relief Fund on 26.11.2012.

3. Brief facts necessary for the adjudication of this petition are that the petitioner was serving in the Police Department and he retired from the Department as an Inspector. Presently, he is aged 68 years. The son of the petitioner was diagnosed with chronic kidney disease/kidney failure in the year 2005 and he was advised Hemodialysis twice weekly. As per the petitioner, faced with these circumstances, which required a lot of expenditure, petitioner approached his Department seeking financial assistance, but he did not get any financial assistance from the Department to meet the expenses and treatment of his son. In these circumstances, the petitioner

made a request to the worthy Chief Minister, who sanctioned an amount of Rs.1,25,000/- from the Chief Minister's Relief Fund. The sanctioned order along-with Cheque is appended with the petition as Annexure P-2. Annexure P-1 are the documents appended with the petition, which demonstrate that son of the petitioner was undergoing his treatment at PGIMER, Chandigarh and the expenditure, which was determined as monthly expenses incurred on the ailment, was to the tune of Rs.35,000/- as in the year 2012.

4. The son of the petitioner lost his battle against his illness and died on 23.09.2021. The grievance of the petitioner is that now, in terms of the impugned order, from the medical reimbursement payable to the petitioner, it has been ordered that an amount of Rs.1,25,000/- which he received from the Chief Minister's Relief Fund, be deducted.

5. Learned counsel for the petitioner argued that the fund was released in favour of the petitioner by the worthy Chief Minister as far back as in the year 2012 and the amount was spent on the treatment of the child. He submitted that during said period, no medical reimbursement was claimed by

the petitioner. He further submitted that said amount was not enough for meeting the medical requirements of the deceased son of the petitioner and he thereafter continued to incur expenses till the death of his son and medical reimbursement thereof was sought from the Department thereafter. In these circumstances, he submitted that the impugned direction to the effect that the medical reimbursement be paid to the petitioner after deducting an amount of Rs.1,25,000/- is very very harsh for the reason that it is not as if the money which was received by the petitioner under Chief Minister's Relief Fund was misused and used for some purpose other than the medical care of the child and further the petitioner is not seeking any windfall gain in terms of the medical reimbursement.

6. On the other hand, learned Deputy Advocate General referred to the reply filed by the State and submitted that as the deceased son of the petitioner had crossed the age of 25 years, therefore, he was not entitled for reimbursement and despite this, on extreme compassionate ground, the medical reimbursement bills of the petitioner were taken care of, but subject to the condition that the amount which he had

received from the Chief Minister's Relief Fund, was to be deducted from the same because the petitioner cannot take advantage of the said amount also and seek reimbursement of medical bills, which obviously were paid by him from the amount received from the Chief Minister's Relief Fund.

7. I have heard learned counsel for the parties and have also carefully gone through the documents appended with the petition.

8. The petitioner, as I have already observed hereinabove, is 68 years old and retired as an Inspector from the Police Department, who has lost a young son on account of kidney ailment. Because the son of the petitioner lost his life in the year 2021 after struggling with the ailment for almost a decade, which was painful not only physically but also emotionally to the child as well as the family of the petitioner, this Court is of the considered view that in the peculiar facts of this case, some more compassion and sympathy has to be shown by the Department.

9. A perusal of Annexure P-2 demonstrates that an amount of Rs. 1,25,000/-, released by the worthy Chief Minister

out of his own Relief Fund, was not with any condition that the same was to be reimbursed or deducted later on upon the happening of any eventuality.

10. It is not the case of the respondents that when the petitioner applied to the worthy Chief Minister for the sanction of an amount to take care of his son, he concealed the fact that he was a serving employee of the Government and was entitled for medical reimbursement. The amount released under the Chief Minister's Relief Fund, was released by the competent Authority knowing fully well all these facts. Besides this, the amount of Rs. 1,25,000/- was not paid to the petitioner from the coffers of the respondent, that is to say, the Police Department. Therefore, in these circumstances, the act of the Department of issuing a direction that the medical reimbursement bills of the petitioner be paid to him after deducting an amount of Rs. 1,25,000/-, which was received from the Chief Minister's Relief Fund, is extremely harsh. In fact, the impugned Communication does not even suggest that the said decision was taken after some kind of an inquiry, which proved that the petitioner either misused the amount which he received under the Chief

Minister's Relief Fund or was seeking double-double reimbursement from the Department.

11. Therefore, in light of the above observations, this Court is of the considered view that the deduction of the amount from the medical reimbursement claim bills of the petitioner, which was paid to the petitioner under the Chief Minister's Relief Fund as far back as in the year 2012, is highly arbitrary, unjust and not sustainable in the eyes of law, in the peculiar facts of this case.

12. Accordingly this writ petition is allowed. Communication, Annexure P-8, at Page-36 of the paper-book, is quashed and set aside and the respondents are directed to make good the medical reimbursement claim bills of the petitioner without deducting an amount of Rs.1,25,000/- which was paid to him in the year 2012 under the Chief Minister's Relief Fund. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 17, 2025
(Shivank Thakur)