



1

WP-10209-2018

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 06th OF MARCH, 2026WRIT PETITION No. 10209 of 2018*ANIL KUMAR SWAMI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

.....
Appearance:

Shri Suyash Mohan Guru, learned Advocate for the petitioner.

Smt. Janhavi Pandit, learned Additional Advocate General for the respondent/State.

Ku. Neelam Goel, learned counsel for the respondent No.4.

.....
Reserved on: 24.2.2026

Pronounced on: 06.3.2026
.....

ORDER

Per. Justice Vivek Rusia

The petitioner has filed the present petition seeking reimbursement of the medical expenses incurred by him for the treatment of his father, who is also a pensioner of the State Government. Vide order dated 13.12.2017, the respondent No.3 had rejected the claim of the petitioner on the ground that his father was not dependent upon the petitioner.

2. The petitioner has been working as a Stenographer at the relevant



time in the District Court, Damoh. He disclosed the names of his family members as father, mother, his wife and two daughters. According to the petitioner, his father is a retired employee of the Excise Department, and he superannuated from the post of Head Clerk in the year 1995 and has been receiving a nominal pension amount. At the age of 75 years, he suffered a heart ailment and was diagnosed with Single CAD, Single Vessel Disease and he was given medical treatment by way of stenting at Shalby Hospital, Jabalpur, in which, he incurred expenses of Rs.1,63,858/-. The petitioner submitted an application for reimbursement of medical expenses under Rule 8(1) of M.P. Civil Services Medical Assistance Rules, 1958 before the District & Sessions Judge, Damoh. The application was forwarded to the respondent No.3, who rejected the same on the ground that the father of the petitioner, Shri B.P.Swami is a retired employee and is not dependent upon the petitioner, as also his pension is more than Rs.1,00,000/-. Hence, this petition is before this Court.

3. After notice, the respondent No.4 has filed a reply to the writ petition. Despite several opportunities, the government advocate has not filed any reply on behalf of the state of MP, hence no further opportunity as prayed is not liable to be given.

4. Learned counsel for the petitioner submits that the father of the petitioner was getting a nominal pension, which was not sufficient to meet the expenses incurred for the heart operation therefore, he is liable to be treated as dependent on him. Hence, he is entitled to medical reimbursement



in view of the law laid down by the Apex Court in the case of *State of Madhya Pradesh and others Vs. M.P. Ojha*, (1998) 2 SCC 554, in which it is held that a retired father getting a monthly pension of Rs.414/- was wholly dependent upon his son and, therefore, is entitled to reimbursement of medical and travelling expenses incurred for his father's treatment. Learned counsel further submits that the aforesaid law laid down by the Apex Court has been referred to by this Court in the case of *Prashant Singh Baghel Vs. State of M.P.*, ILR (2015) MP 857 and *Anchal Goswami Vs. Madhya Pradesh State Legal Services Authority* [Writ Petition No.6173/2014 decided on 19.4.2017] and, therefore, this petition is liable to be allowed by directing the respondents to reimburse the amount of medical expenses incurred by the petitioner on his father's treatment.

5. In this regard, it would be worth referring to Rule 2(d) of the Madhya Pradesh Civil Services (Medical Attendance) Rules, 1958, which defines the term "Family" and reads as under:-

"2(d) "Family" means -

(i) The wife or husband of a government servant;

(ii) The parents, legitimate children, including children adopted legally and step children of such government servant, residing with and wholly dependent on that government servant."

6. In the facts and circumstances of the case, the father of the petitioner cannot be said to be wholly dependent upon him, and hence, he is



not entitled to reimbursement of the amount of medical expenses incurred by him on his father's heart operation.

7. Further, in the case of *M.P. Ojha (supra)*, there was fair disclosure on the part of the petitioner about the amount of pension received by the father i.e. Rs.414/-, but in the present case, the petitioner has not disclosed the actual amount of pension which his father was getting per month. However, as per the impugned order dated 06.7.2017, the pension of the petitioner's father is mentioned to be more than Rs.1,00,000/- per annum. There is only a declaration by the petitioner that his father was dependent upon him, but either his monthly income or the income from other sources, movable or immovable, has not been disclosed in the writ petition or in representation.

8. In view of the above, we do not find any illegality in the impugned order passed by the respondent No.3 in rejecting the claim of the petitioner seeking reimbursement of medical expenses incurred on his father's treatment. The petition being devoid of substance, stands **dismissed**.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE