



2026:AHC-LKO:17926-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
WRIT - A No. - 12693 of 2024**

Chandra Choor Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Stamp And
Registration Deptt. Lko And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sumeet Tahilramani, Aahuti Agarwal
Counsel for Respondent(s) : C.S.C.

Court No. - 5

**HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard Sri Sumeet Tahilramani as well as Ms. Aahuti Agarwal, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
2. The grievance raised by the petitioner in the present case is with regard to the rejection of the medical reimbursement claim made by the petitioner for the treatment given to his father, namely Rudra Pratap Singh, who was superannuated from the post of Deputy Registrar (II), Gorakhpur, in January 1994.
3. It has been submitted by learned counsel for the petitioner that the father of the petitioner was under treatment from 30.07.2017 to 16.08.2017 at Mayo Medical Centre Private Limited, Gomti Nagar, Lucknow, and thereafter from 16.08.2017 to 26.08.2017 at Midland Health Care and Research Center, Mahanagar, Lucknow. Due to his prolonged and serious illness, he passed away on 28.08.2017.
4. The petitioner, after collecting all the papers as required, made an application for reimbursement of the amount spent on the treatment of his father by submitting an application on 17.11.2017/18.11.2017 in accordance with the Uttar Pradesh Government Servant (Medical Attendance) Rules, 2011 (*hereinafter referred to as the "Rules, 2011"*) before the Assistant Inspector General of Registration, Lucknow.
5. The claim of the petitioner remained unattended, due to which he submitted various reminders. It has further been stated that the papers submitted by the petitioner were forwarded to the Chief Medical Officer, Gorakhpur, for verification and technical inspection,

who accepted the claim by means of his letter dated 28.02.2018 to the extent of Rs. 6,06,397/- and further for an amount of Rs. 6,12,500/- by means of another letter dated 28.02.2018.

6. It has further been stated that since the claim made by the petitioner was for an amount exceeding Rs.2 lakhs, as per the provisions of Rule 20 of the Rules, 2011, the papers were forwarded to the Inspector General of Registration for approval. Certain further documents were required to be submitted by the petitioner, which were duly submitted. However, by means of a letter dated 09.05.2019, the Deputy Inspector General of Registration, Camp Office, Lucknow, rejected the claim preferred by the petitioner on the ground that the claim could be made only by the beneficiary and not by the petitioner. It was further stated that the petitioner was not covered under the definition of beneficiary and that the succession certificate submitted by the petitioner, which was prepared by the Tehsildar, was only for a monetary limit of Rs. 5,000/-, which was beyond the claim made by the petitioner.

7. In the aforesaid circumstances, the petitioner approached the U.P. State Public Services Tribunal by filing Claim Petition No. 1953 of 2020, *Chandra Choor Singh vs. State of U.P. and Others*, assailing the rejection order dated 09.05.2019. The U.P. State Public Services Tribunal, by means of order dated 31.08.2022, disposed of the claim petition with a direction to the Principal Secretary, Stamp & Registration Department, Government of U.P., Civil Secretariat, Lucknow, to decide the representation dated 22.06.2019 by passing a reasoned and speaking order within a period of four months.

8. Pursuant to the directions of the Tribunal dated 31.08.2022, the claim of the petitioner was reviewed by the Inspector General of Registration. However, by means of the impugned order dated 10.01.2023, the claim of the petitioner was again rejected on the same grounds, namely that the petitioner was not competent to claim the medical reimbursement with regard to his father as he did not fall within the definition of beneficiary. It was further stated that, as per the succession certificate issued in favour of the petitioner, a monetary limit of Rs.5,000/- had been imposed and the claim of the petitioner being beyond the said limit disentitled him from receiving the reimbursement amount.

9. The petitioner has assailed the validity of the order dated 10.01.2023 and has further challenged the validity of Rule 16 of the

Rules, 2011 to the extent that the definition of beneficiary is illegal and arbitrary, inasmuch as it permits only the beneficiary to submit a claim for medical reimbursement and not any legal heir in the eventuality where the government servant dies during his treatment.

10. Learned counsel for the petitioner submitted that there is no dispute with regard to the fact that his father was duly entitled under the service rules to medical treatment during his service as well as after his superannuation. He further submitted that there is no dispute regarding the fact that his father was under treatment from 30.07.2017 to 16.08.2017 at Mayo Medical Centre Private Limited, Gomti Nagar, Lucknow, and thereafter from 16.08.2017 to 26.08.2017 at Midland Health Care and Research Center, Mahanagar, Lucknow, and died on 28.08.2017.

11. He has submitted that in the eventuality that a government servant dies during treatment, then according to Rule 16 of the Rules, 2011 no claim for reimbursement can be lodged inasmuch as such a claim can be lodged only by a beneficiary. He submits that no provision has been made in the aforesaid Rules, 2011 for submission of claims relating to a government servant who dies during his medical treatment. It is further submitted that, ex facie, Rule 16 of the Rules, 2011 is clearly illegal, arbitrary and violative of Article 14 of the Constitution of India, inasmuch as it limits the submission of reimbursement claims only to the beneficiary and not to the legal heirs of the beneficiary in the eventuality that either the government servant is incapacitated from submitting his medical reimbursement claim or dies during treatment.

12. Learned Standing Counsel, on the other hand, has supported the impugned order and submitted that the claims with regard to reimbursement of medical expenses have been provided for under the Rules, 2011. As per the aforesaid rules, the beneficiary is defined under Rule 3(b) of the Rules, 2011, which reads as under :-

3. Definitions

(a)

(b) "Beneficiary" means Government Servants and their families, retired Government Servants and their families and in case of deceased Government Servants such members of their family as are eligible for family pension.

The Rule 16 of the Rules, 2011 reads as hereunder-

16. Claim within three months-

The beneficiary shall submit the reimbursement claim in prescribed proforma as given in Appendix "C" to the sanctioning authority as soon as possible but not later than three months after the completion of the treatment:

Provided that the reimbursement claim of a pensioner shall be submitted to the Head of Office of the, district from where he/she is drawing pension or place of residence. Where there is no such office, the District Magistrate of the concerned district shall be the Head of Office and also the Head of Department for this purpose.

13. He submits that there is no dispute that all persons who are beneficiaries as defined under Rule 3(b) of the Rules, 2011 are entitled to medical treatment. He has further stated that Rule 16 of the Rules, 2011 provides the manner in which the claim has to be made for reimbursement, wherein it has been provided that such a claim can be submitted only by the beneficiary. Accordingly, he submits that the State authorities have correctly interpreted the provisions of Rule 16 of the Rules, 2011 as it stands and since the petitioner does not fall within the definition of beneficiary, he was not entitled to submit the reimbursement claim with regard to medical expenses incurred for the treatment of his father and therefore his application has rightly been rejected.

14. We have heard the rival contentions of learned counsel for the parties and perused the records. The facts in the present case are not disputed inasmuch as the father of the petitioner, namely Rudra Pratap Singh, was a government servant who had superannuated from the post of Deputy Registrar (II), Gorakhpur, in January 1994. After his superannuation, he was under medical treatment from 30.07.2017 to 26.08.2017 in two different hospitals and ultimately succumbed to his illness on 28.08.2017.

15. In the present case, the medical reimbursement claim pertains to the period from 30.07.2017 to 26.08.2017. The ground on which the claim of the petitioner has been rejected is that he does not fall within the category of beneficiary, while a claim can be made only by the beneficiary.

16. A bare perusal of Rule 16 of the Rules, 2011 shows that the provision, on the face of it, is unreasonable and arbitrary inasmuch as it restricts submission of claim only by the beneficiary. It appears that while promulgating the aforesaid rules, the government did not take into account the fact that during treatment, in case a government servant dies, and there is no other surviving beneficiary, then certainly no claim can be filed by the beneficiary as defined in rule 3(b) and in such a situation a claim can be filed only by the legal heirs. Similarly, in another scenario, if the government servant during his treatment or due to his illness is incapacitated from making any claim, for example if he is in a vegetative state or totally paralysed, it cannot be said that the medical expenses would not be liable to be reimbursed.

17. We find force in the argument raised by learned counsel for the petitioner that Rule 16 of the Rules, 2011 creates two classes of persons who are entitled to reimbursement of medical expenses: one class where the 'beneficiary' survives and is able to file his claim for reimbursement and the other class comprising those 'beneficiaries' who do not survive the medical treatment or are incapacitated from preferring such a claim. In case of second category, the other surviving beneficiaries as defined in Rule-3(b) can file claim, but where there is no surviving beneficiary; then certainly, in such a situation, it is the legal heirs taking care of treatment of the deceased or the incapacitated beneficiary should be allowed to file claim which has not been provided under Rule 16 of the Rules, 2011.

18. The Hon'ble Supreme Court in the case of **The State of West Bengal v. Anwal Ali Sarkar and another (1952) 1 SCC 1** has held that a classification under Article-14 of the constitution can be held to be a reasonable classification, if it follows the twin test of reasonableness. The paragraph No.86 of the judgment is of particular relevance here; which is reproduced hereunder-

"85. It is now well established that while Article 14 is designed to prevent a person or class of persons from being singled out from others similarly situated for the purpose of being specially subjected to discriminating and hostile legislation, it does not insist on an "abstract symmetry" in the sense that every piece of legislation must have universal application. All persons are not, by nature, attainment or circumstances, equal and the

*varying needs of different classes of persons often require separate treatment and, therefore, the protecting clause has been construed as a guarantee against discrimination amongst equals only and not as taking away from the State the power to classify persons for the purpose of legislation. This classification may be on different bases. It may be geographical or according to objects or occupations or the like. **Mere classification, however, is not enough to get over the inhibition of the article. The classification must not be arbitrary but must be rational, that is to say, it must not only be based on some qualities or characteristics which are to be found in all the persons grouped together and not in others who are left out but those qualities or characteristics must have a reasonable relation to the object of the legislation. In order to pass the test, two conditions must be fulfilled, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, and (2) that that differentia must have a rational relation to the object sought to be achieved by the Act. The differentia which is the basis of the classification and the object of the Act are distinct things and what is necessary is that there must be a nexus between them. In short, while the article forbids class legislation in the sense of making improper discrimination by conferring privileges or imposing liabilities upon persons arbitrarily selected out of a large number of other persons similarly situated in relation to the privileges sought to be conferred or the liability proposed to be imposed, it does not forbid classification for the purpose of legislation, provided such classification is not arbitrary in the sense I have just explained. The doctrine, as expounded by this Court in the two cases I have mentioned, leaves a considerable latitude to the Court in the matter of the application of Article 14 and consequently has the merit of flexibility.***"

(emphasis supplied)

19. In the recent judgment of **Sukanya Shantha v. Union of India & Ors. (2024) 15 SCC 535**, the Hon'ble Supreme Court has considered various precedents concerning the standards embodied under Article 14 of the Constitution of India and has succinctly summarised the principles governing the same in paragraph 42 of the judgment.

"42 The constitutional standards laid down by the Court under Article 14 can be summarized as follows. First, the Constitution permits classification if there is intelligible differentia and reasonable nexus with the object sought. Second, the classification test cannot be merely applied as a mathematical formula to reach a conclusion. A challenge under Article 14 has to take into account the substantive content of equality which mandates fair treatment of an individual. Third, in undertaking classification, a legislation or subordinate legislation cannot be manifestly arbitrary, i.e. courts must adjudicate whether the legislature or executive acted capriciously, irrationally and/or without adequate determining principle, or did something which is excessive and disproportionate. In applying this constitutional standard, courts must identify the "real purpose" of the statute rather than the "ostensible purpose" presented by the State, as summarized in ADR. Fourth, a provision can be found manifestly arbitrary even if it does not make a classification. Fifth, different constitutional standards have to be applied when testing the validity of legislation as compared to subordinate legislation."

20. When we apply the above-mentioned tests carved out by the Hon'ble Supreme Court in the present case, we find that there is no reasonable classification to exclude the 2nd category of beneficiaries from claiming the expenses towards treatment where there is no other surviving beneficiary in case of death or incapacitation of beneficiary during the course of treatment. The object and aim of Rules, 2011 providing for medical treatment to government employees/retired government servants and their family members which is a beneficial legislation would stand frustrated if the benefit is not extended to a retired government servant/ beneficiary who dies or becomes incapacitated during the course of treatment and has no other surviving beneficiary as defined in Rule 3(b) of Rules, 2011.

Thus, the Rule 16 of Rules, 2011 as it stands is clearly arbitrary and violative of Article 14 of the constitution.

21. After giving anxious consideration to the matter, we are of the view that the term 'beneficiary' appearing in Rule 16 of the Rules, 2011, for the purpose of claiming expenses towards treatment, should be given a more liberal and expansive meaning to make it workable by applying the principle of 'reading down', so as to include within its ambit 'legal heirs' in a situation where there is no other surviving beneficiary who may file the claim and the beneficiary undergoing treatment has died or is in an incapacitated state.

22. The law regarding 'reading down' has been discussed by the Hon'ble Supreme Court in the case of **Central Bank of India v. Shanmugavelu, (2024) 6 SCC 641**, paragraph no. 94-100 are of particular relevance here which is reproduced hereunder-

94. The principle of "reading down" a provision refers to a legal interpretation approach where a court, while examining the validity of a statute, attempts to give a narrowed or restricted meaning to a particular provision in order to uphold its constitutionality. This principle is rooted in the idea that courts should make every effort to preserve the validity of legislation and should only declare a law invalid as a last resort.

95. When a court encounters a provision that, if interpreted according to its plain and literal meaning, might lead to constitutional or legal issues, the court may opt to read down the provision. Reading down involves construing the language of the provision in a manner that limits its scope or application, making it consistent with constitutional or legal principles.

96. The rationale behind the principle of reading down is to avoid striking down an entire legislation. Courts generally prefer to preserve the intent of the legislature and the overall validity of a law by adopting an interpretation that addresses the specific constitutional concerns without invalidating the entire statute.

97. It is a judicial tool used to salvage the constitutionality of a statute by giving a provision a narrowed or limited interpretation, thereby mitigating

potential conflicts with constitutional or legal principles.

98. *In B.R. Enterprises v. State of U.P. [B.R. Enterprises v. State of U.P., (1999) 9 SCC 700] , this Court observed that the principles such as "Reading Down" emerge from the concern of the courts towards salvaging a legislation to ensure that its intended objectives are achieved. The relevant observations read as under : (SCC pp. 764-65, para 81)*

"81. ... It is also well settled that first attempt should be made by the courts to uphold the charged provision and not to invalidate it merely because one of the possible interpretations leads to such a result, howsoever attractive it may be. Thus, where there are two possible interpretations, one invalidating the law and the other upholding, the latter should be adopted. For this, the courts have been endeavouring, sometimes to give restrictive or expansive meaning keeping in view the nature of legislation, maybe beneficial, penal or fiscal, etc. Cumulatively it is to subserve the object of the legislation. Old golden rule is of respecting the wisdom of legislature that they are aware of the law and would never have intended for an invalid legislation. This also keeps courts within their track and checks individual zeal of going wayward. Yet in spite of this, if the impugned legislation cannot be saved the courts shall not hesitate to strike it down. Similarly, for upholding any provision, if it could be saved by reading it down, it should be done, unless plain words are so clear to be in defiance of the Constitution. These interpretations spring out because of concern of the courts to salvage a legislation to achieve its objective and not to let it fall merely because of a possible ingenious interpretation. The words are not static but dynamic. This infuses fertility in the field of interpretation. This equally helps to save an Act but also the cause of attack on the Act. Here the courts have to play a cautious role of weeding out the wild from the crop, of course, without infringing the Constitution. For doing this, the courts have taken help from the Preamble, Objects, the scheme of the Act, its historical background, the purpose for enacting such a provision, the mischief, if any which existed,

which is sought to be eliminated."

(emphasis supplied)

99. A similar view was reiterated by this Court in its decision in Calcutta Gujarati Education Society v. Calcutta Municipal Corpn. [Calcutta Gujarati Education Society v. Calcutta Municipal Corpn., (2003) 10 SCC 533], wherein this Court observed that the rule of "Reading Down" is only for the limited purpose of making a provision workable so as to fulfil the purpose and object of the statute. The relevant observations read as under : (SCC p. 552, para 35)

"35. The rule of "reading down" a provision of law is now well recognised. It is a rule of harmonious construction in a different name. It is resorted to smoothen the crudities or ironing out the creases found in a statute to make it workable. In the garb of "reading down", however, it is not open to read words and expressions not found in it and thus venture into a kind of judicial legislation. The rule of reading down is to be used for the limited purpose of making a particular provision workable and to bring it in harmony with other provisions of the statute. It is to be used keeping in view the scheme of the statute and to fulfil its purposes."

(emphasis supplied)

100. Thus, the principle of "Reading Down" a provision emanates from a very well-settled canon of law, that is, the courts while examining the validity of a particular statute should always endeavour towards upholding its validity, and striking down a legislation should always be the last resort. "Reading Down" a provision is one of the many methods, the court may turn to when it finds that a particular provision if for its plain meaning cannot be saved from invalidation and so by restricting or reading it down, the court makes it workable so as to salvage and save the provision from invalidation. Rule of "Reading Down" is only for the limited purpose of making a provision workable and its objective achievable.

22. It has also been a settled principle of law that a beneficial legislation should be given a liberal and expansive view and it must be interpreted in the favour of the beneficiaries. The Hon'ble Supreme Court in the recent case of **Urmila Dixit v. Sunil Sharan Dixit and Ors. (2025) 2 SCC 787** has discussed the rules of interpretation when it comes to beneficial legislations; paragraph no. 8, 9 and 11 are of particular relevance here; which has been reproduced hereunder-

*8. To answer the issue at hand, it is imperative for this Court to discuss the rules of interpretation to be applied when interpreting a beneficial legislation akin to the Act at hand. While dealing with certain provisions of the Motor Vehicles Act, this Court in *Brahampal v. National Insurance Co. [Brahampal v. National Insurance Co., (2021) 6 SCC 512 : (2021) 3 SCC (Civ) 693 : (2021) 3 SCC (Cri) 67]* , observed that a beneficial legislation must receive a liberal construction in consonance with the objectives that the Act concerned seeks to serve.*

*9. This Court in *K.H. Nazar v. Mathew K. Jacob [K.H. Nazar v. Mathew K. Jacob, (2020) 14 SCC 126]* reiterated the above expositions and stated that : (SCC pp. 135-36, paras 11 & 13)*

"11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341] The Act should receive a liberal construction to promote its objects. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573 and Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the Court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation. [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335]

13. *While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified, and then a construction that suppresses the problem and advances the remedy should be adopted. [Indian Performing Rights Society Ltd. v. Sanjay Dalia, (2015) 10 SCC 161 : (2016) 1 SCC (Civ) 55] It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction. [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council, 2008 HCA 48 : (2008) 237 CLR 285] , Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly."*

(emphasis supplied)

11. *While considering the provisions of the Medical Termination of Pregnancy Act, this Court in X2 v. State (NCT of Delhi) [X2 v. State (NCT of Delhi), (2023) 9 SCC 433] , reiterated that interpretation of the provisions of a beneficial legislation must be in line with a purposive construction, keeping in mind the legislative purpose. **Furthermore, it was stated that beneficial legislation must be interpreted in favour of the beneficiaries when it is possible to take two views.***

(emphasis supplied)

23. Accordingly, applying the principles of 'reading down' we hold that the provisions of Rule 16 of the Rules, 2011 should be read down so as to include the submission of a claim even by the legal heirs of the beneficiary where the beneficiary dies or is incapacitated from

submitting the reimbursement claim himself and there is no other surviving beneficiary.

24. The second aspect of the matter relates to the limitation provided in the succession certificate issued by the Tehsildar limiting the claim to Rs. 5,000/-. This Court is of the considered view that in case there is a dispute regarding the legal heirs of the deceased government servant, then certainly there would be a requirement of obtaining a succession certificate from a court of competent jurisdiction. However, where no such dispute exists and sufficient material is available on record before the competent authority indicating that the claimant is in fact the legal heir of the deceased government servant, then his claim should be processed in accordance with law.

25. In the present case, we have been informed that a succession certificate was issued in favour of the petitioner indicating that he is a legal heir of the deceased government servant. Once it has been certified after inspection that the claimant is in fact the legal heir, merely because there is a clause in the certificate limiting the claim to Rs. 5,000/- will not disentitle the petitioner from receiving the reimbursement even if the claim exceeds that limit. This Court is also of the view that a person should not be forced to obtain a succession certificate declaring him to be a legal heir in a situation where no such dispute exists.

26. Accordingly, for the aforesaid reasons, the writ petition is **allowed**. The impugned order dated 10.01.2023 is quashed. Rule 16 of the Rules, 2011 shall be read so as to include within its ambit the submission of claims by legal heirs of the beneficiary in cases where the beneficiary dies or becomes incapacitated during the course of treatment and there is no other surviving beneficiary who can submit the reimbursement claim. Accordingly, respondent no. 2 is directed to consider the claim of the petitioner by treating it as a valid claim under Rule 16 of the Rules, 2011 and to decide the same in accordance with law within a period of two months from the date a certified copy of this order is produced before him. In case the claim is found to be in order in accordance with law, the necessary payment shall be disbursed expeditiously within one month thereafter.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

March 11, 2026
Ashish Dewal