

Civil Writ Petition No. 23928 of 2015 (O&M)

Date of decision : November 06, 2015

Jagdish Raj Arora

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Bal, Senior Advocate with
Ms. Manju Sharma, Advocate
for the petitioner.

LISA GILL, J.

Petitioner is aggrieved by rejection of his claim of medical reimbursement vide impugned order dated 28.08.2014 (Annexure P-2). Petitioner submitted his claim for medical reimbursement on account of expenses incurred by him on account of knee replacement. His claim was rejected by the Department on 28.08.2014 (Annexure P-2) in view of the decision dated 26.07.2011 in LPA No. 739 of 2011 (Annexure P-5).

Petitioner seeks to re-agitate a matter which has been set at rest by a Division Bench of this Court in the abovesaid LPA.

Learned senior counsel for the petitioner contends that as per instructions dated 31.03.1999 (Annexure P-3), sanction was accorded for parity in pay scales and Dearness Allowance (House Rent, Medical Allowance) of the employees of the private recognised Aided Schools with that of Government employees). This aspect has

not been considered by the Division Bench of this Court while rendering decision dated 26.07.2011. It is further submitted that said decision is an exparte one. Petitioner therein was not heard before passing of order dated 26.07.2011. Thus, true facts were not brought to the notice of the Court.

Contentions raised by the learned counsel are untenable and unacceptable. It is to be noted that instructions dated 31.03.1999 stand clarified by the Department of Finance itself on 09.08.2005, which finds mention in judgment dated 30.09.2010 of the Single Bench in CWP No. 17112 of 2005. It has been held by the Division Bench as hereunder:-

“ Obviously, the teachers of the privately aided schools cannot seek parity with the teachers working in government colleges in the matter of incentives and other allowances including medical reimbursement as claimed by the petitioner-respondent Nos. 1 and 2. Moreover, it has remained un-controverted that medical reimbursement is made under the provisions of the 1940 Rules which have no application to the employees working in the privately aided schools. Even the instructions dated 31.3.1999 (P-3), cannot be applied to the present case because there is no whisper in the said instructions about ‘medical reimbursement’. Therefore, on principles as well as on precedents, we are constrained to set aside the judgment rendered by the learned Single Judge and hold that the petitioner-respondent Nos. 1 and 2 cannot claim reimbursement of the medical bills in question.”

In view of conclusive pronouncement by the Division Bench of this Court on the issue in hand, there is no ground for interference by this Court.

Writ petition is, accordingly, dismissed.

November 06, 2015
rts

(Lisa Gill)
Judge