

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.25574 of 2015
Decided on : 07.12.2015**

Monika

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.V.K.Shukla, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Challenge in the present writ petition is to the letter dated 10.12.2014 (Annexure P4) whereby respondent No.4 had rejected the claim of the petitioner for medical reimbursement of Rs.1,45,537/- on account of treatment of her father-in-law.

Counsel for the petitioner submits that the father-in-law is dependent upon the family and the petitioner is entitled for the reimbursement on account of the medical treatment of her father-in-law.

As per Punjab Medical Attendance Rules, 1940, the definition of family has been given as under:

“Government employees’ wife (including judicially separated wife) & husband in case of a female Government employee who is residing with & wholly dependent on him/her, legitimate children (including step & adopted children) up to two and father and mother residing with and wholly, dependent on the Government employee” (Letter No. 12/9/93-5H5/9495 dated 17.3.1994).”

A perusal of the same would go on to show that a

female employee's husband who is residing with the said employee and is dependent on her, legitimate children (including step and adopted children) and the father and mother of the said employee, dependent upon the said Government employee, would be entitled for medical reimbursement. In such circumstances, in the absence of any such provision, the contention of counsel that father-in-law would be part of the family, cannot be accepted. The expanded version of the family, as canvassed by the counsel for the petitioner, can have no limit.

Reliance upon the Division Bench judgment in **Sarojini Sawhney Vs. Panjab University, Chandigarh & others 2005 (4) RSJ 741** is also without any basis. In the said case, the reimbursement was sought on account of the husband of the petitioner, who had been serving with the State Bank of India. The expenses claimed were after his retirement, on account of treatment as a cancer patient. The bank had no provision for reimbursement of treatment of retired employees. It was, in such circumstances, the Division Bench had allowed the writ petition.

As noticed, in the present case, the father-in-law does not fall within the definition of family and thus, in the absence of any positive right under the statute, no writ of mandamus can be issued in the favour of the petitioner.

Dismissed in limine.

DECEMBER 07, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE