

Civil Writ Petition No. 26080 of 2015 (O&M)

Date of decision : December 22, 2015

Manjit Kaur

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. H.S. Saggu, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for quashing of order 01.12.2014 (Annexure P-5A) passed by respondent No. 3 and directing the respondents to reimburse medical expenses incurred on the treatment of husband of the petitioner (since deceased).

It is submitted that petitioner's husband Sh. Sandhu Singh retired as Headmaster from Khalsa High School, Talwandi Sabo Government Aided institution on 31.10.2008. Sh. Sandhu Singh, unfortunately fell sick. He was admitted in various hospitals for treatment on which a large amount of money was spent. It is submitted that as per notification dated 31.03.1999, employees of private recognised aided schools/institutions are entitled to parity in pay scales and Dearness Allowance (House Rent and Medical Allowance) with Government employees. As the Government employees are entitled to medical reimbursement, therefore,

expenses incurred on medical treatment of her late husband should be reimbursed. Her claim has been wrongly denied vide impugned order dated 01.12.2014 (Annexure P-5A) on the ground that reimbursement of medical expenses is not admissible to the employees of private aided schools.

Controversy in hand is no longer res integra. A Division Bench of this Court vide decision dated 26.07.2011 in LPA No. 739 of 2011 (State of Punjab and others versus Kapil Paul and others) has categorically held that employees of private aided schools are not entitled to medical reimbursement. It is specifically observed 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.”

Learned counsel for the petitioner is unable to distinguish the petitioner's case/claim in any manner to justify interference by this Court.

Consequently, this writ petition is dismissed.

December 22, 2015
rts

(Lisa Gill)
Judge