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

CWP-10341-2014
Date of decision: 30.05.2016

Gindori Devi

.... Petitioner

Versus

Union of India and others

... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. B.K. Bagri, Advocate,
for the petitioner.

Mr. P.K. Longia, Advocate,
for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the communication dated 27.08.2013/2.9 (Annexure P-8), by which claim of the petitioner for medical reimbursement has been rejected on the sole reason that the petitioner's husband had not opted for Central Government Health Services Scheme (for short "CGHS Scheme"), which was formulated and introduced w.e.f 01.01.2002.

The learned counsel for the petitioner has submitted that the petitioner's husband late Sh. Kanha Ram worked upto 31.05.1981 and his pension and retiral benefits were settled. Petitioner's husband died. Thereafter, petitioner was granted family pension.

On 07.09.2012, the petitioner was hospitalized at Paras Hospital, Gurgaon on 07.09.2012 and she was discharged on 21.09.2012.

She had spent a sum of Rs.3,11,155/- for surgery and treatment. The petitioner submitted her claim for medical reimbursement and the same was declined by the respondents assigning the reason that neither the petitioner's husband nor the petitioner opted for CGHS scheme, which was introduced w.e.f. 01.01.2002. For the purpose of opting CGHS scheme employees/retired employees are to deposit certain amount to become a member of the CGHS scheme so as to claim medical reimbursement and other facilities. Feeling aggrieved by the communication dated 27.08.2013 (Annexure P-8), the present petition has been filed.

The learned counsel for the petitioner has submitted that CGHS scheme was not made known to the petitioner's husband nor to the petitioner. Therefore, they were not in a position to opt for CGHS scheme as and when it was introduced. Therefore, the petitioner is entitled for medical reimbursement under CGHS scheme.

On the other hand, learned counsel for the respondents vehemently argued that the petitioner is not entitled to any medical reimbursement since the petitioner and her late husband have not opted for CGHS scheme. Therefore, the question of granting medical reimbursement under CGHS scheme do not arise for the reason assigned in Annexure P-8 is in order. The petitioner has not made out a case so as to seek quashing of Annexure P-8.

I have heard learned counsel for the parties.

The respondents have introduced the CGHS scheme w.e.f. 01.01.2002 in order to benefit the employees/retired employees for claiming medical reimbursement and other facilities related to medical.

The learned counsel for the respondents has submitted that the same was notified in various offices as well as in newspapers despite that neither the petitioner nor her husband opted for CGHS scheme. Sufficient opportunity has been given to employees/retired employees. The same has not been availed by the petitioner or her late husband. Therefore, the petitioner is not entitled. CGHS scheme is a beneficial social legislation which cannot be denied to the employees/retired employees merely for not opting CGHS scheme, which is a beneficial cause, and the same shall not be denied to the petitioner by the respondent. Division Bench of this Court in CWP No.18540 of 2014, titled as **Union of India Vs. Gurbax Singh and others**, decided in favour of retired person.

In view of these facts and circumstances, the petitioner is directed to submit application under the CGHS scheme so as to become a member of the CGHS scheme, within a period of one month. The concerned authority is directed to consider application of the petitioner to become member of CGHS sympathetically and her name be enrolled. Thereafter, petitioner's medical reimbursement be considered at the earliest. Thereafter, the respondents are directed to consider claim of the petitioner for medical reimbursement within three months.

Annexure P-8 is set aside.

Petition stands allowed.

May 30, 2016
kapil

(P.B. BAJANTHRI)
JUDGE