

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

**CWP No.14805 of 2015  
Date of decision: 30.8.2016**

Niranjan Singh ... Petitioner  
Versus

State of Haryana & ors. ... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Deepak Girotra, Advocate,  
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Sandeep Panwar, Advocate,  
for respondent No.6.

**RAJIV NARAIN RAINA, J.(Oral)**

1. Learned counsel appearing for respondent No.6 waives his right to file reply since he is prepared to argue the case without written statement and submits he would adopt the written statement already filed.

2. The Deputy Registrar in the office of the Registrar Cooperative Societies (Credit), Panchkula-respondent No.4 has filed written statement in which not only the case of the petitioner but his rights to medical reimbursement have been explained. These averments are contained in paragraphs 3 & 4 of the short reply in rebuttal of the stand canvassed in the petition, which read as follows:-

“3. That petitioner was employee of the Padla Primary Agriculture Cooperative Society Ltd. Padla and governed by Rule the Primary Co-operative Credit & Service Societies Staff Service Rules, 1992. But there was no provision in those rules for reimbursement of medical bills. It is pertinent to mention here vide letter dated

04.11.1994 issued by the Registrar, Cooperative Societies, Haryana, Panchkula, it was decided that all the employees of the cooperative institutions (except Sugar Mills) shall be at par with the employees of the Haryana Government as regards the payment of fixed medical allowance or for the reimbursement of the medical charges/clinical tests/ X-ray/examination charges etc. and subject to the maximum limit of the amount and conditions imposed in this respect by the State Government from time to time. In present case, Managing Committee of the concerned society is competent to give medical reimbursement of bills to their employees. Thereafter, new service rules i.e. The Primary Agriculture Cooperative Societies Staff Service/Primary Co-operative Credit & Service Societies Rules, 2014 were framed and Rule-28 of the same service rules relates to employees welfare fund. Sub-Rule-2 of Rule 28 relates to medical reimbursement which is re-produced below:-

“(2) Every society shall contribute/provisioning Rs.1,00,000/- (Rupees on lac only) every under the object head “Medical Reimbursement” and amount may be reimbursed to the extent of Rs.25,000/- for individual case within a span of one year and the Managing Committee is the Competent Authority.”

4. That the dispute is between petitioner and respondent No.6 as respondent No.6 is working on behalf of Managing Committee of the society and competent authority is the Managing Committee of the Society for deciding the issue involved in present writ petition. Further, it is submitted that the respondent No.6 i.e. Manager, the Padla

Primary Agriculture Cooperative Society Ltd., Padla requested for seeking the guidance vide letter dated 18.03.2016 through concerned offices. After consideration, it was decided that the payment of medical bills of Sh. Niranjana Singh, Chowkidar would be given as per rule which was applicable at the time of his treatment. Accordingly, respondent No.6 was informed vide this office memo No.11/20/2011/C-3/4230 dated 24.05.2016 is annexed as Annexure R-4/1. Now, there is no role of respondent No.4 in taking the decision regarding issue raised in present writ petition.”

3. The reply is self-explanatory and needs no glossing. The 6<sup>th</sup> respondent is not a Sugar Mill but a cooperative labour society and therefore, the decision of RCS Haryana applies by bringing with it the right to medical reimbursement of the bills submitted incurred in the treatment of the ailment which right is preserved in the new service rules mentioned in para. 9 of the petition and the provisions of law which guarantees reimbursement of medical expenses. It is not disputed that the petitioner was a Chowkidar who incurred expenditure in medical treatment taken from a private hospital run in the name and style of Patiala Heart Institute, Patiala, when he suffered a heart attack. It was an emergency situation which did not brook delay. On the intervening night of 10/11.2.2014 the petitioner was rushed to Sanjeevni Hospital, Ambala Road, Kaithal, where the doctors in attendance referred him to the Patiala Heart Institute, Patiala. In the wee hours of the intervening night, the petitioner was operated upon by a specialist doctor. Stents were inserted in his heart to save his life. The petitioner was admitted from February 11,

2014 to February 14, 2014 and the total expenses incurred in the treatment and the operation were to the extent of ₹ 2,24,943/-. On return to health, the petitioner submitted the bills for payment through proper channel of respondent No.6 vide letter dated May 5, 2014. On June 20, 2014, respondent No.6 forwarded the letter to the Chief Medical Officer, Kaithal for issuance of emergency certificate and asked the latter as to whether the employee was treated in an emergency or not. The relevant record was perused by the specialist at the Smt. Indira Gandhi Multispecialty Government Hospital, Kaithal and accordingly a certificate was issued certifying that the treatment of the petitioner was done in an emergency situation. The relevant papers were duly considered by the Managing Committee of respondent No.6 and the society passed the resolution vide agenda No.3, dated January 14, 2015 recommending and approving the medical reimbursement case of the petitioner which was remitted through proper channel before the Sub-Registrar, Cooperative Societies, Kurukshetra. In spite of passing/approving the medical claim as per policy applicable at the appropriate time, the petitioner has not been reimbursed money spent in the treatment.

4. The petitioner has based his claim on RCS Haryana Memo dated 04.11.1994 on the subject of Medical Facilities to the Members of the Cooperative Institutions. This Memo lays down the policy regarding enhancement of fixed medical allowance and for allowing medical reimbursement including reimbursement of expenses incurred or for the reimbursement of the medical charges/clinical tests/x-ray/examination etc. for treatment of employees and for treatment of the dependent family members. It was decided by the policy that all employees of the

Cooperative Institutions (except Sugar Mills) shall be treated at par with the employees of the Haryana Government. As regards the payment of fixed medical allowances/charges etc. as envisioned in the policy in Para. (2) thereof, the policy, based on exercise of option, for one of the systems of medical reimbursement be it fixed or otherwise. These Rules have been replaced by the Primary Agriculture Cooperative Societies Staff Service/Primary Cooperative Credit & Service Societies, Rules, 2014' (for short 'the 2014 Rules'). Rule 28 of the said Rules relates to employees Welfare Fund. Sub-Rule(2) of Rule 28 relates to medical reimbursement, which provides that every Society shall contribute/provisioning ₹1,00,000/- (Rupees One lac only) under the subject Head of "Medical Reimbursement" and the amount could be reimbursed to the extent of ₹25,000/- only for an individual case within a span of one year and the Managing Committee was the Competent Authority, which provision is reproduced in part of Para.3 of the written statement filed by the Deputy Registrar (Credit), Cooperative Societies, Haryana. These Rules curtail reimbursement rights to a fixed amount of ₹ 25,000/-. But since the case of the petitioner has to be decided on the date of the treatment, therefore, it is the 1994 Instructions which would apply to his case and not the 2014 Rules. The instructions permit medical reimbursement at the rates prescribed by the Haryana Government, which deservedly are in favour of the petitioner for grant of medical reimbursement but limited in terms of those policies, as applicable at the time of treatment of the petitioner, which have been issued by the Haryana Government. Since the petitioner has demonstrated a right under the 1994 instructions. But then medical reimbursement becomes the duty and obligation of the respondent—

Primary Society to discharge the burden of medical reimbursement in accordance with the Haryana policies prevalent at the time of treatment taken in the year 2014. It is not disputed that the Rules came into force after the treatment and discharge from hospital.

5. As a result of the above discussion, this petition is allowed.

The decision to remit the case of the petitioner for decision under the new 2014 Rules is declared non est since the case of the petitioner is covered by the executive instructions of 1994. Consequently, a direction is issued to respondents No.4 & 6 i.e. Registrar, Cooperative Societies, Haryana and the Manager, The Padla Primary Agricultural Cooperative Society Limited respectively, to process the case of the petitioner in the light of the 1994 Instructions and determine the amount of medical reimbursement admissible in terms of the Haryana Government instructions and the policy decisions on medical reimbursement prevailing on the date prior to the medical treatment. In carrying out this exercise, both the respondents would associate the petitioner to determine the amount due. The petitioner will cooperate with respondents No.4 & 6 with any materials in his possession i.e. bills etc. that he has in support of his claim, if any, other than those submitted already for consideration. This exercise is directed to be completed within three months from the date of receipt of the order and the amount determined be paid within the same time frame.

(RAJIV NARAIN RAINA)  
JUDGE

30.8.2016  
monika

*Whether speaking/reasoned*

*Yes*

*Whether Reportable:*

*No*