

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1978 of 2014 (O&M)

Date of Decision: August 26, 2016

Banshi Lal

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.S.K.Verma, Advocate, for the appellant.

Ms.Palika Monga, Deputy Advocate General, Haryana.

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

Surya Kant, J.

The learned Single Judge has rejected the appellant's claim for medical reimbursement of the expenditure incurred by him on the treatment of his father who unfortunately is no longer alive, on the ground that father of the appellant owned about 15 acres of land and was thus not financially dependent on his son, namely, the appellant. While taking this view, the learned Single Judge appears to have not considered the decision of the Hon'ble Supreme Court and this Court in State of Madhya Pradesh and others versus M.P.Ojha and another, AIR 1998 SC 659 and Usha Kumari versus State of Punjab and others, 2009 (1) RSJ 32. There is yet another decision of this Court in Nand Rani versus State of Punjab, 2000(2) PLR 617, which has bearing on the same issue.

We may hasten to add that the executive instructions, if any,

Issued by the State Government cannot be read like a binding Statute while

extending the benefit of a welfare policy.

We are thus of the considered view that the matter requires reconsideration by the learned Single Judge. The appeal is accordingly allowed; the order under appeal dated 26.08.2014 is set-aside and the matter is remitted to learned Single Judge for afresh adjudication.

Parties are directed to appear before the learned Single Judge on 26.09.2016.

[SURYA KANT]
JUDGE

August 26, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No