

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18540 of 2017
DECIDED ON: August 21, 2017

SUNIL KUMAR AHUJA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mandeep Singh Khillan, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus, directing the respondents to release advance amounting to ₹5,59,000/- for purchase of insulin pump as recommended by PGIMER, Chandigarh for the treatment of son of the petitioner.

2. Notice of motion.
3. At the asking of the Court, Mr. Ram Tilak Redhu, DAG, Haryana has accepted notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day.
4. At the very outset of the arguments, it has emerged from the

documents available especially order dated 03.01.2017 (Annexure P-9) passed by Director Elementary Education, Haryana, Panchkula that Smt. Raj Bala, PGT Geography, who is on deputation in the office of District Education Officer, Panchkula has already accorded reimbursement of medical charges amounting to ₹5,59,000/- i.e. an amount incurred on treatment of her daughter.

5. A perusal of order reveals that a sum of ₹4,19,250/- was sanctioned vide order No.12/38-2016PGT-I(5) dated 04.08.2016 and has already paid to the official as advance. Meaning thereby, this order clearly unfolds that a sum of ₹4,19,250/- was paid as advance payment for the purchase of insulin pump whereas the same relief has been declined to the petitioner vide impugned letter dated 08.05.2017 (Annexure P-8) simply on the ground that *“rates are not fixed by the Government for Insulin Pump”*.

6. Undoubtedly, official of Employees State Insurance (for short, “ESI”) are fully covered for the relief claimed in view of notification dated 19.07.2016 (Annexure P-6) as well as Annexure-1 appended to it. It is very strange that an employee of Education Department has already been granted medical advance whereas it has been declined to an employee of ESI i.e. the petitioner. There is a clear cut discrimination, which requires to be deprecated.

7. In the light of what has been discussed above, instant petition is disposed of with the direction to respondent No.5-Director, ESI Health Care Haryana, NAC Manimajra, Chandigarh to reconsider the case of the petitioner within a period of 10 days from the date of receipt of certified copy of this order and, in case, petitioner is entitled to the benefit/advance claimed by him for the purchase of insulin pump, to release the advance within a period of next 10

days. In case, petitioner still feels aggrieved against the order passed by respondent No.5, he shall be at liberty to approach this Court.

August 21, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*