

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9307-2012 (O&M)

Date of decision: 19.01.2017

D.L.Wadhwa

.....Petitioner

versus

Haryana State Warehousing Corporation

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Narinder Yadav, Advocate for the petitioner
Mr.Ashwani Talwar, Advocate for the respondent
Mr.Namit Kumar, Advocate (Amicus Curiae)

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner was appointed against a temporary post of Accountant on 1.3.2007. He joined the duties on 8.3.2007 and vide letter dated 26.8.2009 petitioner was made regular employee w.e.f. 8.2.2008. He retired from service on 31.3.2010 after rendering about little more than three years of service with the respondent Haryana State Warehousing Corporation. Petitioner in the present petition claims that he is entitled to pension and retiral benefits. He further claims medical reimbursement of the bills qua treatment of his wife. It is stated that wife of the petitioner was hospitalized on 8.12.2010 because of heart problem. Petitioner spent Rs.4,45,748.26 on her treatment and submitted the bills to the District Manager, Palwal. His claim has been rejected vide order dated 25.11.2011 (Annexure P10).

In the reply, respondent has taken a stand that the petitioner was having less than five years of service and as per instructions dated 5.3.2009

(Annexure R1), petitioner is not covered under the new pension scheme as he is having less than five years of service. It was also stated that policy of medical reimbursement was amended and a new policy dated 6.5.2005 (Annexure R2) was issued in which medical reimbursement is allowed only to Haryana Government employees and pensioners and dependents. Petitioner is not a pensioner and therefore, he is not entitled to medical reimbursement.

I have heard learned counsel for the parties and have also carefully gone through the file.

Admittedly, petitioner is having little over three years of service. As per policy instructions dated 5.3.2009 (Annexure R1), which was issued before the retirement of the petitioner, it was laid down that the employees who joined new pension scheme after 1.1.2006, they must have five years of service to be covered under the new pension scheme. Since the petitioner was having less than five years of service, therefore, he was not covered under the new pension scheme.

Now coming to the medical reimbursement. It comes out that new medical reimbursement rules, called as Punjab Medical Attendance Rules, 1940 were issued on 6.5.2005 i.e. Before the joining of service of the petitioner which covered Haryana Government employees, pensioners/dependents.

Learned counsel for the petitioner has argued that the policy was issued regarding serving and retired employees of the State Government. Petitioner is retired employee of the Corporation to which government instructions applies. Therefore, he is entitled to medical reimbursement.

I am of the view that government was considering the case of

medical claim of serving and retired employees and after considering the claim, policy was framed regarding Haryana Government employees, which means the serving employees and pensioners and dependents. Since, the petitioner is not a pensioner, therefore, the policy cannot be said to cover those employees who are not entitled to pension on account of their less service.

Learned counsel for the petitioner contends that amount of contribution under the new pension scheme was deducted from his salary which was refunded to him in the year 2011 on account of new policy. Even though the amount was wrongly deducted it does not give any vested right to the petitioner to be recovered under the said pension scheme.

It being so, there is no illegality or infirmity in the impugned order.

Resultantly, the present writ petition stands dismissed.

19.01.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No