

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3752 of 2014 (O/M)
Date of decision : 22.3.2017

Virender Singh and another Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Naveen Kumar Jaglan, Advocate, for the petitioner.

Mr. Keshav Gupta, Assistant Advocate General, Haryana,
for respondents No. 1 to 3 and 5.

Mr. J.S. Chahal, Advocate, respondent No. 4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

:-

:-

KULDIP SINGH J. (ORAL)

Kamlesh Devi (now deceased) wife of petitioner No. 1 and mother of petitioner No. 2 was working as a Staff Nurse in the Health Department, Haryana, at PHC Naultha, District Panipat. She expired in harness on 11.1.2008, leaving behind three children, namely, Aditya (son), Ruchi and Anshu (daughters). It comes out that qua Ruchi (daughter), writ petition bearing No. CWP-3746-2014, titled as Virender Singh and others Versus State of Haryana and others, was filed before this Court for reimbursement of her tuition fee of Rs. 5,50,000/- and the same was allowed on 23.2.2016 by a coordinate bench of this Court. The present writ petition was filed by son of the petitioner, namely, Aditya, who was at that time studying in 6th class in the year 2009 in Vidya Niketan SR Secondary School, Israna, Panipat, for reimbursement of tuition fee of Rs. 22,500/-, as

CWP No. 3752 of 2014 (O/M)

per the policy of the Government dated 22.12.1972 (Annexure-P-2). The petitioners also seek the quashing of order dated 28.10.2013 (Annexure-P-7), vide which such reimbursement was refused.

Respondents No. 1 and 2 in the reply have admitted that respondent No. 1 issued the identity card, which was valid upto 31.12.2013, in compliance of the directions issued by this Court in CWP-14326-2012. It was further stated that the instructions regarding ex-gratia grant and other facilities to the families of deceased Haryana Government employees, who dies while in service, were issued and reimbursement of tuition fees in school and college have been revised with new instructions dated 12.2.2014 (Annexure-R-1).

Respondents No. 1 to 3 and 5 in the written statement have taken the stand that petitioner No. 1 had applied for the benefit of reimbursement of tuition fee of petitioner No. 2 and in response to the said application, the benefit has been started to release to the petitioner. It is further stated that petitioner No. 1 is already getting the benefit of reimbursement of tuition fee of petitioner No. 2 from the department under the Finance Department, Haryana, Scheme dated 18.6.2009. He cannot avail the same benefit under two different schemes.

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

No replication was filed to the written statement filed by respondents. Now, the instructions dated 22.12.1972 (Annexure-P-2) shows that these instructions pertain to ex-gratia grant and other facilities to the families of the Deceased Haryana Government employees, who die while in service. These instructions are regarding reimbursement of tuition

CWP No. 3752 of 2014 (O/M)

fee of school and college. The Government undertook to reimburse the tuition fee plus laboratory fee and laid down the following procedure :-

- “(i) Recognised private schools/colleges in Haryana State will not charge any fee from the children of deceased Haryana Government employees on the basis of identity cards issued to the by the the Chief Secretary to Government, Haryana (Welfare Cell). The heads of the institutions will then make a claim in respect of the amount of the fee to the District Education Officers concerned who will arrange reimbursement at his own level.
- (ii) As regards, the children studying in recognised private schools, colleges in Punjab and in Chandigarh Union Territory, they will pay the fee in the first instance and then prefer claims at the end of every quarter, duly verified by the Heads of Institutions concerned, to the Director, Public Instructions, Haryana, for reimbursement.”

Petitioner No. 2 is studying in a recognized private school and claims the benefit of these instructions, wherein there is no mention about maximum cap for reimbursement of tuition fee and the number of children for which reimbursement is to be made. The stand of respondents is that he was given the benefit under the 2009 Scheme. The perusal of Scheme dated 18.6.2009 shows that it pertains to grant of education allowance to the employees of the Government of Haryana. The said scheme does not talk about the ex-gratia reimbursement of tuition fee to the families of deceased Haryana Government employees, meaning thereby that it applies to all the Haryana Government employees. It comes out that petitioner No. 1, father of petitioner No. 2 is also a Government serving employee that is why he is claiming benefit of 2009 Scheme. This scheme came into force from

CWP No. 3752 of 2014 (O/M)

1.7.2009. The perusal of the said scheme shows that the expenditure on education of the school going children from the class nursery upto +2 level is to be reimbursed and that it was permissible upto two living children. Now, the identity card of petitioner No. 2 (Annexure-P-4) shows that it was issued in the year 2013 and was valid upto 31.12.2013. The application filed by petitioner No. 1 shows that he applied for the reimbursement of the tuition fee of his son Aditya before the Principal of Vidya Niketan SR Secondary School, Israna, Panipat, which is a recognized private school, on 18.9.2013(Annexure-P-5). Since the stand of respondents is not controverted that petitioner No. 1 is getting reimbursement under the Scheme of 2009, therefore, at the same time, he cannot get the benefit of two different schemes, one for the deceased Government employees and the other for the serving Government employees. It being so, the present writ petition is found to be without any merit and is dismissed.

(KULDIP SINGH)
JUDGE

22.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : Yes