

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

CWP No. 5344 of 2015

Date of Decision: 02.02.2017

RAM NIWAS GARG

... Petitioner

VS.

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. J.S. Saneta, Advocate,
 for the petitioner.

 Mr. Anil Chawla, Advocate,
 for the respondents.

KULDIP SINGH, J (ORAL)

The petitioner vide this writ petition under Articles 226/227 of the Constitution of India for issuance of writ of certiorari for quashing the impugned order dated 01.10.2014 (Annexure P-12) passed by the respondent No. 2 vide which the claim of the petitioner for reimbursement of medical bills amounting to ₹ 2,29,540/- (Annexure P-3) of the petitioner for treatment of his wife has been rejected. The prayer is also made for issuance of writ of mandamus directing the respondents to reimburse aforementioned medical bills.

Brief facts of this case are that the petitioner was initially working in Haryana State Minor Irrigation and Tubewells Corporation Ltd. (HSMITC) since December 1971. He was retrenched from the said service w.e.f.31.08.2002. Thereafter, vide appointment letter dated 10.04.2006, the petitioner had joined the services of the respondent-department on 01.05.2006, from where he retired from service on 31.07.2009. In this way,

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he was having less than 10 years of service in the respondent-department. After his retirement, the petitioner claimed that the reimbursement of the medical claim amounting to ₹2,29,540/- incurred on the treatment of his wife. The said claim of the petitioner was rejected vide impugned order dated 01.10.2014 (Annexure P-12) on the ground that the petitioner does not have 10 years of service under the respondent-department.

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

The previous service of the petitioner in HSMITC is not denied. Learned counsel for the petitioner has informed this Court that a representation/application filed by the petitioner for treating his previous service in the HSMITC as qualifying service for pension is pending for decision with the respondent-department. It also comes out that in the appointment letter dated 10.04.2006 (Annexure P-1), no reference of the retrenchment from the previous service, rendered by the petitioner under HSMITC, has been made rather it shows that the same is a fresh appointment. In this way, the service of the petitioner under the respondent department was little over three years only. Consequently, the petitioner was not allowed pension. Since, the service of the petitioner is not a pensionable one, therefore, the medical reimbursement is not allowed as per the existing Rules. As such, at this stage, petitioner does not have any right to claim medical reimbursement which was incurred in treatment of his wife unless his previous service under HMITC is counted as a qualifying service for the pension and he becomes entitled to pension.

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Consequently, the present petition is dismissed with a condition that if at any stage, the previous service of the petitioner under HMITC is treated as qualifying service for pension and the petitioner becomes entitled to pension, in that eventuality he shall also be entitled to medical reimbursement claim as pressed in the present writ petition.

February 2, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes / No
<i>Whether Reportable</i>	:	✓ Yes / No