

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 210

Regular Second Appeal No.1940 of 2013 (O & M)
Date of Decision: August 29, 2017

Raj Bala

..... APPELLANT

VERSUS

Haryana State Federation of Consumer Cooperative Whole sale Stores Ltd.
& another

..... RESPONDENTS

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

...

PRESENT: - Mr. Aseem Aggarwal, Advocate, for the appellant.

Mr. Amit Jain, Advocate, for the respondents.

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Jaspal Singh, J

1. The instant appeal has been preferred by the plaintiff against judgment & decree dated January 21, 2013 passed by the District Judge, Gurgaon as well as judgment & decree dated September 29, 2012 passed by the Civil Judge (Junior Division), Gurgaon, dismissing the suit filed by her.

2. Plaintiff filed a suit for declaration to the effect that she being the family member/dependent of deceased Government employee - Satbir, is entitled to medical reimbursement and bills were submitted on June 23, 2009 and April 30, 2010. As per the case of plaintiff, her husband – Satbir worked as Assistant Manager in the office of District Manager, CONFED, Gurgaon (respondent – defendant No.2). Satbir Singh expired

available and her husband had opted to claim medical reimbursement. Her husband had been submitting medical bills for reimbursement and payment of some of the bills was made. Plaintiff herself is suffering from chronic ailment. After death of her husband, she submitted medical bills of June 23, 2009 and April 30, 2010 for payment through defendant No.2 but same were not reimbursed on the ground that it was not allowed to widow or dependent members after retirement of employee concerned. Thus, plaintiff was constrained to file the instant suit.

3. Defendants contested the suit by filing joint written statement. From the pleadings of parties, issues were framed and parties led oral as well as documentary evidence.

4. After hearing learned counsel for the parties and appraisal of documents on record, suit filed by the plaintiff was dismissed vide judgment & decree dated September 29, 2012. Aggrieved by the aforesaid judgment & decree, plaintiff preferred an appeal which was also dismissed vide judgment & decree dated January 21, 2013 passed by the lower appellate court. Now, plaintiff has challenged both the judgments & decrees passed by the courts below through the instant appeal.

5. Learned counsel for the appellant – plaintiff has ebulliently argued that judgments & decrees passed by the courts below are absolutely against the evidence available on record and settled canons of law. Misreading of evidence as well as legal proposition has resulted into miscarriage of justice. The courts below have failed to appreciate that employees of defendants are allowed to claim reimbursement on the pattern of medical reimbursement payable to the employees of state government.

When husband of plaintiff was entitled for medical reimbursement, then after his death, medical reimbursement should not been denied to plaintiff.

6. Per contra, learned counsel for the respondents has supported the judgments & decrees passed by the courts below. It has been submitted by him that courts below have rightly rejected the claim of plaintiff keeping in view the facts and rules applicable. The decisions rendered by the courts below do not suffer from any infirmity or illegality.

7. This Court has given a deep thought to the rival submissions made by learned counsel for the parties and gone through the documents available on record but does not find any legal or factual weight in the submissions made by learned counsel for the appellant.

8. Undisputably, Satbir Singh (husband of plaintiff) was employee of respondents – defendants. He was entitled for reimbursement of medical expenses actually incurred for prolonged chronic diseases. Respondent – Department is not a Government Organization. The Department is having its own service rules. Plaintiff has asserted that she being widow of Satbir Singh is entitled to receive medical reimbursement for her treatment after the demise of her husband. Stand of the defendants is that although their employees are governed by Haryana policy regarding reimbursement of medical bills but family members or dependents of any retired or deceased employee are not entitled to any medical reimbursement. There is nothing on record to suggest that plaintiff being widow of Satbir Singh is entitled to medical reimbursement for her own treatment. Plaintiff has also failed to prove on record any document reflecting that dependents of deceased employee are entitled to receive medical reimbursement after his death. Though Resolution dated April 22, 1980 speaks about medical concession of the employees of defendants as per Haryana Government Rules applicable from time to time but it nowhere extends such facility to the retirees of defendants or to their dependents. Moreover, Government

Pension Scheme is not applicable to the employees of defendants as it is clear from New Reimbursement Policy (Ex.DX1) that medical reimbursement rules shall be applicable to the Board only subject to prior approval of the Registrar, Cooperative Societies. Thus, this Court is of the considered view that appellant has not been able establish as to how a retiree/deceased employee, earlier in employment of defendants or his dependents are entitled to medical reimbursement either as indoor patients or for expenses incurred on treatment of chronic diseases.

9. In the light of what has been discussed above, instant appeal being devoid of merits is dismissed.

10. No order as to costs.

August 29, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No