

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: December 05, 2017

+ **W.P.(C) 8921/2014**

DR. G. CHAUDHURI

..... Petitioner

Through: Mr. Piyush Sharma, Advocate

versus

INDIRA GANDHI NATIONAL OPEN UNIVERSITY & ANR

..... Respondents

Through: Mr. Aly Mirza, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In this petition, restoration of medical cover in terms Family Health Card issued on 18th June, 2012 and reimbursement of medical bills as well as Foreign Travel Bill/LTC and release of salary for the month of February, 2012, is sought by petitioner.
2. In the counter-affidavit filed by respondent-University, the stand taken is that petitioner's medical health card was inadvertently issued and that petitioner is not entitled to reimbursement of medical bills. It is asserted that petitioner had irregularly drawn an advance of ₹2 lakhs and

so, he is not entitled to reimbursement of foreign travel bill and release of salary for the month of February, 2012.

3. Learned counsel for petitioner submits that petitioner was not put to any notice prior to withdrawal of the medical health card issued to him and so, petitioner is entitled to the relief sought in this petition. Learned counsel for petitioner further submits that petitioner's past service should be counted as his pension was deducted by respondent—University while fixing his pay and so, petitioner is entitled to the benefits claimed in this petition.

4. Since the factum of adjustment of petitioner's pension does not find specific mention in this petition, therefore, it is deemed appropriate to dispose of this petition with liberty to petitioner to file a concise representation before respondent No.2 within four weeks from today.

5. Learned counsel for respondents assures that upon receiving such a Representation, it would be sympathetically dealt with in light of the available records and in case the relief sought by petitioner is not granted, then the reasons for not doing so, would be indicated in the order *dehors* the stand taken in the counter-affidavit herein.

6. In view of the stand taken as aforesaid, this petition is disposed of with permission to petitioner to file a concise Representation within four weeks from today. Upon receiving such a Representation, respondent shall pass a speaking order within a period of six weeks and its fate be

made known to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

7. Copy of this order be given *dasti* to both the sides.

(SUNIL GAUR)
JUDGE

DECEMBER 05, 2017

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