

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19733 of 2013
Date of Decision: 05.10.2018

Smt. Parsanni Devi

...Petitioner

Vs.

Registrar, Cooperative Societies,
Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surender Singh Dalal, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. K.S. Dhanora, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J. (Oral)

1. It turns out that in the year 2008 when the employee died in harness the previous policy prevailing in the 3rd respondent - Cooperative Society was withdrawn only to be introduced much after his death from where the claim for medical reimbursement, compassionate appointment and/or financial assistance is claimed by his petitioning widow. The death having fallen when there was no policy in existence will not bring relief to the petitioner as far as ex gratia appointment and financial assistance is concerned since it is well settled that such rights are governed by policy alone. If there is no policy in existence, the Court would not intervene or create one.

2. However, as far as a case for medical reimbursement of

expense incurred in the treatment of the deceased employee for which medical bills of about Rs.1,20,000/- were presented to the employer, is concerned this issue is covered by the decision in CWP No.14805 of 2015, *Niranjan Singh v. State of Haryana and others* decided on August 30, 2016 in the case of Primary Agricultural Societies whose employees are governed by the Primary Agriculture Cooperative Societies Staff Service/Primary Cooperative Credit & Service Societies Rules, 2014. Rule 28 of the Rules relates to employees welfare fund. Sub Rule 2 of Rule 28 relates to medical reimbursement which rule reads as follows:-

“(2) Every society shall contribute/provisioning Rs.1,00,000/- (Rupees on lac only) every under the object head “Medical Reimbursement” and amount may be reimbursed to the extent of Rs.25,000/- for individual case within a span of one year and the Managing Committee is the Competent Authority.”

3. Apart from Rule 28 there are policy instructions issued by the Registrar, Cooperative Societies, Haryana vide memo dated November 04, 1994 on the subject of medical facilities to the members of the cooperative institutions. The scope of the rule was widened by these instructions. This Court in *Niranjan Singh's* case held that the 1994 instructions would apply and not the first amendment to the 2014 Rules.

4. As a result of the above discussion, this petition is allowed in the same terms as in *Niranjan Singh's* case with the exercise directed to be completed within three months from the date of receipt of certified copy of this order. Needless to say that the medical expenses incurred in the unsuccessful treatment will be limited to those permitted by the rules and

instructions at rates reimbursable in accordance with law. If the petitioner is required to be heard, she may be called to verify claims.

(RAJIV NARAIN RAINA)
JUDGE

05.10.2018
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Whether speaking/reasoned *Yes*

Whether reportable *No*