

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

**109**

**CWP No.22952 of 2021  
Decided on : 15.11.2021**

Union of India & others

Versus

... Petitioners

Central Administrative Tribunal & another

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr.Arun Gosain, Advocate, for the petitioners.

(The proceedings are being conducted through video  
conferencing, as per instructions.)

**G.S. Sandhawalia, J. (Oral)**

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 07.05.2018 (Annexure P-2) passed by the Central Administrative Tribunal, Chandigarh Bench and the review order passed subsequently on 14.09.2018 (Annexure P-4).

The OA was originally decided in terms of the order passed in OA-060/00737/2015 titled *Dharminder Sharma Vs. Union of India & others*, which in principle decided the application of the retired employees claiming medical reimbursement on account of being referred to a hospital in a case of emergency. The Tribunal, in its considered order, while deciding as many as 30 OAs, placed reliance upon **Union of India & others Vs. Mohan Lal Gupta & another 2018 (1) SCT 686** (Annexure A-16) wherein it was held that a retired Government employee residing in area where there was no CGHS facilities available is entitled to claim medical reimbursement.

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It is not disputed that the petitioners had filed review application which was listed before the Tribunal which decided 23 such applications out of the bunch of original 30 OAs. By a reasoned order, the Tribunal dismissed the review applications on 14.09.2018 by noticing that there was no new and important matter or evidence and there was no mistake or error apparent on the face of the record, which is the settled principle for invoking the review jurisdiction.

The present writ petition has been filed at a belated stage on 02.11.2021, much beyond the period of limitation and before the Court proceedings had been effected due to the Covid pandemic. The petitioners have, for over a year and a half, chosen not to file the writ petition and now choose to absolve themselves inspite of having complied with the impugned order. Reliance in this regard can be placed upon the judgment passed by the Apex Court in **The State of Madhya Pradesh & others Vs. Bherulal (2020) 10 SCC 654**, relevant part of which reads as under:-

“6. We are also of the view that the aforesaid approach is being adopted in what we have categorized earlier as “certificate cases”. The object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may be at default that such a process is followed. We have on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the concerned officer responsible for the same bears the consequences. The irony is that in none of the

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cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straight away counsels appear to address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.

7. We are thus, constrained to send a signal and we propose to do in all matters today, where there are such inordinate delays that the Government or State authorities coming before us must pay for wastage of judicial time which has its own value. Such costs can be recovered from the officers responsible.”

It is not disputed that even the amount of medical reimbursement has been paid in pursuance of the order passed by the Tribunal. Keeping in view the settled principle that this is a certificate case and has only been filed to get a stamp of approval that the matter has been finalized in the Courts. This Court, thus, does not feel that any case is made out to exercise its extraordinary writ jurisdiction.

Accordingly, in view of the above discussion, the present writ petition is dismissed on the grounds of delay and laches.

**(G.S. SANDHAWALIA)  
JUDGE**

**November 15, 2021**  
*Sailesh*

**(VIKAS SURI)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No