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

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Date of decision: 22.12.2021

+ **LPA 493/2021**

ANIL KUMAR ANAND

..... Appellant

Through: Appellant in-person.

versus

UNION OF INDIA (R-1), THROUGH ITS SECRETARY
(FINANCE) & ORS.

..... Respondents

Through: Mr Vijay Joshi, Sr. Panel Counsel for
respondent no.1/IOI.

Mr Sanjeev Kumar, Advocate for respondents
no.2 and 3/UTI.

Mr Rajiv Kapur with Mr Akshit Kapur, Advocates
for respondent no.4/SBI.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: (ORAL)

CM APPL. 46606/2021

1. Allowed, subject to just exceptions.

LPA 493/2021 and CM APPLs. 46604-05/2021

2. This appeal is directed against the order dated 21.10.2021, whereby, *inter alia*, the learned Single Judge has dismissed the appellant's interlocutory application i.e., CM No. 36637/2021, preferred in W.P.(C) No.965/2020.

2.1 The learned Single Judge has taken the view that interim direction as sought by the appellant [via CM No.36637/2021] could not be issued, at the given stage, as he had fixed the writ petition for hearing on 07.12.2021.

3. The appellant, who appears in-person, says that the writ petition is now listed on 02.02.2022.

3.1. Mr Sanjeev Kumar, who appears on behalf of the respondent nos.2 and 3 i.e., the contesting respondents, confirms the fact that the matter is fixed before the learned Single Judge on the aforementioned date.

4. Qua the grievance articulated by the appellant that a counter-affidavit has not been filed, although notice was issued in the writ petition as far back on 29.09.2021, Mr Kumar says that since the complete set of case papers was not received, delay occurred in filing the counter affidavit.

4.1. Mr Kumar, however, confirms that a complete set of case papers of the writ petition has now been received; and, accordingly, a counter-affidavit will be filed within the next two weeks.

5. Given the aforesaid position, the appeal is disposed of with the direction that in case, respondent nos.2 and 3 do not file their counter-affidavit within the timeframe indicated above by Mr Kumar, no further opportunity will be given.

5.1. The learned Single Judge will proceed in the matter, any which ways; without the counter- affidavit of respondents no.2 and 3.

5.2. In case the main matter cannot be disposed of, the learned Single Judge will consider as to whether any interim relief can be granted, as the appellant claims that he has undergone an open heart surgery.

5.3. It is also the appellant's contention that his wife is also the beneficiary of the Schemes floated for reimbursement of expenditure incurred on account of medical intervention, by respondent nos. 2 and 3.

6. The record shows that the appellant has been dismissed from service. It appears to be the stand of the respondents that the appellant's plea that he should be accorded medical benefits under the UTI Employees Voluntary Health Scheme-1990 (VHS), and the Scheme for Medical Assistance for

Serving and Retired Employees & Constitution of Medical Assistance Fund (MAF) is resisted on the ground that dismissed employee cannot be extended benefits under the said schemes.

6.1. This is an aspect which the learned Single Judge, in our view, will deal with, having regard to the contentions raised by the parties, in particular as to how and under which scheme(s) a dismissed employee can avail of medical benefits.

6.2. Needless to add, the observations made by us hereinabove will not impact the merits of the case.

7. Insofar as the prayer made in CM No. 46605/2021 to grant exemption from filing attested affidavit is concerned, the applicant/appellant is directed to file duly attested affidavit within the next three weeks, notwithstanding the order passed by us today.

8. Consequently, pending applications shall also stand closed.

(RAJIV SHAKDHER)
JUDGE

(TALWANT SINGH)
JUDGE

DECEMBER 22, 2021

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Click here to check corrigendum, if any