

**(207) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10514-2017

Date of Decision: 21.04.2022

Surinder Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Harish Rathee, D.A.G. Haryana.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has prayed for a writ in the nature of Certiorari to quash the orders dated 7.5.2014 (Annexure P-7) and 21.05.2015 (Annexure P-8) passed by respondents No.3 and 4 as also for issuance of a directions to respondents No.2 to 4 to consider his case and release the medical re-imbursement medical bill pertaining to the treatment of the father of the petitioner. It is further prayed for issuance of direction to respondent No.2 to decide his appeal which is pending for final adjudication since long.

It is submitted by the learned counsel for the petitioner that father of the petitioner was wholly dependent upon the petitioner and the petitioner had incurred an amount of Rs.1,30,218/- as medical expenses on his treatment. The petitioner had submitted the bills for re-imbursment of the medical expenses, however, that has been declined by the respondents on the ground that the father of the petitioner was not dependent upon the petitioner; because the father owned land measuring about 21 acres bringing him an amount of Rs.55,000/- per year as an income. However, the said

aspect has already been considered and decided against the respondents by this Court in the judgment dated 19.05.2017 rendered in CWP-4892-2016; *Manoj Kumar* v. *State of Haryana and others*. The argument of the respondent that the father of the petitioner is not dependent on account of having agriculture land or income of more than Rs.3,500/- therefrom; was not accepted by this Court. Hence, it is submitted by the learned counsel that the case of the petitioner is squarely covered by the judgment rendered in the case of Manoj Kumar (supra).

On the other hand, learned counsel for the respondent has submitted that the case of the petitioner has rightly been declined because the father of the petitioner cannot be said to be dependent upon the petitioner for the reasons that the father was having income from the agriculture land which was more than prescribed limit of Rs.3500/-. However, learned counsel for the respondents has not been able to dispute the fact of decision rendered in the case of Manoj Kumar (supra).

Having considered the arguments and the facts available on file, as well as, the judgment rendered in the case of Manoj Kumar (supra), this Court finds substance in the argument raised by the learned counsel for the petitioner. From the perusal of the judgment rendered in the case of Manoj Kumar (supra), it is clear that the same argument as is raised in the present petition, was raised by the State in that case as well, but the same was not accepted by this Court. As a result, the said writ petition was allowed and the respondents were directed to reimburse the medical bills alongwith interest @ 9 % per annum from the date of filing of the petition till payment of the same. Moreover, the petitioner in the present case and the petitioner in the case referred to above (Manoj Kumar) are the employees

working in the same department and on the same post.

Accordingly, this Court does not find any distinction between the case of the petitioner and the case already decided by this Court in the case of Manoj Kumar (supra).

Accordingly, this writ petition is allowed in the same terms as already decided by this Court in the case of Manoj Kumar (supra).

21.04.2022

rajeev

Whether speaking/reasoned

Whether reportable

(RAJBIR SEHRAWAT)
JUDGE

Yes/No

Yes/No