

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

**(227)**

**CWP No. 22103 of 2017**

**Date of Decision : 12.10.2022**

**Rajinder Prashad Bhatia**

**....Petitioner**

**Versus**

**Dakshin Haryana Bijli Vitran Nigam and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

**Present:- Mr. Raj Kaushik, Advocate for the petitioner.**

Mr. Ritvik Garg, Advocate for  
Mr. Udit Garg, Advocate  
for the respondents.

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**HARSIMRAN SINGH SETHI, J.**

In the present petition, the prayer of the petitioner is that order dated 31.10.2016 (Annexure P-9) be set aside by which, the fixed medical facilities admissible to the petitioner have been withdrawn.

As per the facts mentioned in the petition, the petitioner was initially appointed as Sub Divisional Clerk in Haryana State Minor Irrigation and Tubewell Corporation Ltd. in the year 1979. The petitioner continued working till the said Corporation was closed on 30.06.2002 and the services of the petitioner were accordingly retrenched. Keeping in view the policy, which was formulated by the Government of Haryana, the retrenched employees including petitioner were adjusted in various organizations and

keeping in view the said policy, the petitioner was also adjusted in the respondent-Nigam vide letter dated 17.11.2006. The condition in the policy as well as in the appointment letter was that no benefit of the previous service be given. After working for a period of 07 years, the petitioner attained the age of superannuation and retired on 31.05.2013. After which, the petitioner was granted the fixed medical allowance, which is paid to the retired employees every month.

The said fixed medical allowance was withdrawn by the respondents vide the impugned order dated 31.10.2016 on the ground that after the new pension scheme had come into operation on 01.01.2006, no fixed medical allowance is admissible to a retired employee. The said order is under challenge in the present petition.

After notice of motion, the respondents have filed reply and have again taken a stand that prior to 01.01.2006, the retired employees have been given options to avail the benefit of open medical facility as and when required or fixed medical allowance to be paid every month to a retiree but after 01.01.2006, no fixed medical allowance is admissible to the retired employees hence, the petitioner, who was appointed in the respondent-organization, after 01.01.2006 cannot claim the said benefit.

I have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

It is not in dispute that no fixed medical allowance is being paid to an employee, who joined the organization after 01.01.2006 after retirement. Only fixed medical allowance is admissible to a retired employee, who was appointed prior to 01.01.2006. In the present case, it is a conceded position that the petitioner joined the said Nigam in November, 2006. Hence, keeping in view the instructions of the Government of Haryana, the petitioner is not entitled for the grant of fixed medical

allowance after retirement though, the same was being paid to the petitioner after retirement but the same was inadvertent and as and when the said mistake came to the knowledge of the respondent-organization, the said facility was withdrawn from everyone, who was not found entitled for including the petitioner. Nothing has been placed on record by the counsel for the petitioner to show that fixed medical allowance is allowed even to the retired employees, who joined the service after 01.01.2006 i.e. after the promulgation of the new pension scheme. In the absence of any Rule, the employees, who joined after 01.01.2006 cannot claim the fixed medical allowance as a matter of right after retirement.

Keeping in view the above, no interference is called for by this Court.

Dismissed.

October 12, 2022  
jt

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

Whether reasoned/speaking? Yes/No  
Whether reportable? Yes/No