

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

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**LPA-826-2020(O&M)
Decided on : 15.02.2022**

**District and Sessions Judge, District Court, Sangrur, Punjab
....Appellant**

VS

State of Punjab and others **....Respondents**

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. R.S.Kalra, Advocate
for the appellant.

Ms. Sudeepti Sharma, Addl. A.G., Punjab

Mr. Ram Avtar, Advocate
for respondent No.3.

Mr. Munish Garg, Advocate
for respondent No. 4.

AJAY TEWARI, J.(Oral)

1. This appeal has been filed against the judgment of the learned Single Judge dated 15.1.2020 wherein an application for medical reimbursement filed by respondent No.4 was allowed.

2. Brief facts of the case are that the husband of respondent No.4 was employee of the appellant and had died. She being the dependent was, therefore, entitled to family pension and other medical benefits. It has transpired that for one year the State Government had outsourced the medical expenses to the respondent No.3, however, it was incumbent for the beneficiary to have enrolled in that scheme. It is admitted that

respondent No.4 never enrolled in that scheme and it was in these circumstances that the claim for medical reimbursement was declined. The learned Single Judge held that though the scheme was published on the website, yet it was never communicated to the petitioner. Learned Single Judge further held that in any case, the petitioner was entitled to medical reimbursement and in the peculiar circumstances of the case directed the appellant to defray the medical reimbursement. Learned counsel for the appellant has strenuously argued that the inaction of the respondent No.4 in not enrolling herself in the scheme absolved the appellant from any duty towards providing for her medical care. In normal circumstances, if it had been the case of a serving employee, this argument would have to be accepted, but here the Court is dealing with a 82 years old widow of a deceased pensioner.

3. In these circumstances, we appreciate the peculiar facts and circumstances of this case. Consequently, the appeal stands dismissed.

4. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(PANKAJ JAIN)
JUDGE

15.02.2022
anuradha

Whether speaking/reasoned	-	Yes
Whether reportable	-	Yes