

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

(178)

CWP-21556-2022

Date of Decision : September 19, 2022

Shamsher

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vineet Kumar Jakhar, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the grievance of the petitioner is that two different Department of the respondent-State of Haryana in respect of the chronic disease, are following different criteria/list on the basis of which they consider for medical reimbursement i.e. Department of Health and allotting marks for purpose of transfer i.e. Department of Education.

Learned counsel for the petitioner submits that once, an employee is to be given the benefit of a chronic disease, as per the chronic diseases which have been accepted by the Department of Health, for which the medical reimbursement is also provided, the same list of the chronic disease needs to be adopted by the Department of Education in the transfer policy for giving the benefit to the teachers.

Learned counsel for the petitioner argues that certain chronic diseases, which have been recognized by the Department of Health for the reimbursement purpose, are not been accepted as chronic disease for considering the claim of the employees while effecting the transfer in the Education Department, which is arbitrary and illegal.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents submits that though, there needs to be adoption of a similar approach by two Departments, for recognizing the chronic disease but as the sphere of the chronic disease are being made operated and that too in different Departments, for two different purposes, certain diseases which are less taxing, have not been included by the Department of Education so as to grant the benefits to the employees while effecting the transfer.

Learned counsel for the respondents further submits that though the transfers have already been effected, but for the subsequent years, the grievance raised by the petitioner will be given serious thought so that there is no anomaly in the list of the chronic diseases, for which an employee is to be given benefit either for medical reimbursement or for effecting transfers. Learned counsel for the respondents further submits that arrive at a correct decision, recommendation of the disability Commission will also be sought and will be taken into consideration in this regard and in case required, suitable action will be taken for amending the chronic diseases list being accepted by the Department of Education for effecting the further transfers.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

September 19, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No