

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

CWP-29290-2022

Date of Decision: 19.12.2022

Union of India and another

.....Petitioner(s)

Versus

Avtar Singh Jassal and another

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Rajiv Sharma, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 29.10.2019 passed by the Central Administrative Tribunal, Chandigarh Bench (in short 'the Tribunal') in O.A.No.060/00587/2017. The Tribunal has noticed that the surgery was got done at AIIMS, Delhi which is a Government hospital and, therefore, allowed the original application and directed the respondents to reimburse the full amount as claimed within a period of 2 months from the date of receipt of copy of the order.

A period of 3 years has passed since the order was passed and the present writ petition was now filed before this Court on 01.11.2022. Nothing has been mentioned in the writ petition as to what is the reason for filing the writ petition at a belated stage after a period of 3 years. It is settled principle that the writ court is exercising its extra ordinary writ jurisdiction and when the litigant as such is indolent to that effect specially being the Union of India, we do not find any reason as such to entertain the present writ petitioner at a belated stage. Rather, the amount should have been reimbursed as it was a case of medical reimbursement.

A perusal of the representation dated 22.04.2013 (Annexure A-3)

would go on to show that the retired employee got his wife treated who was aged 69 years for knee replacement and on an earlier occasion, the amount had been reimbursed for the treatment at AIIMS. In the said communication (Annexure A-3), it is specifically mentioned that he did not have the money as such to get both the knees operated at the same point of time and, therefore, opted to get only one knee operated. On account of the first surgery going on well and which was also a second surgery for the said limb as the first surgery had been got done at a private hospital in Jalandhar which had developed complications, they had not opted to get both the knees operated at the same time. The second surgery was got done after a period of 3 months and from the government hospital, AIIMS, Delhi, as has been noticed by the Tribunal. The retiree has encashed two LIC policies, one LIC Policy of Kotak Mahindra and Mutual Fund Tax Gains for the necessary reimbursement and the Union of India has not reimbursed this amount for the last 3 years.

In such circumstances, we do not wish to enter into the merits of the case as the senior citizen is being harassed by the Union of India by filing this case at a belated stage which can be termed as a certificate case to get over the lapse of its own negligence. Accordingly, the present writ petition is dismissed on account of delay and laches in the peculiar facts and circumstances.

(G.S. SANDHAWALIA)
JUDGE

19.12.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No