

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

245

CWP-36959-2019

Date of Decision :30.05.2022

**Jatinder Kumar**

**..Petitioner**

**Versus**

**Union of India and others**

**...Respondents**

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

Present: None for the petitioner.

Mr. Parvesh K. Saini, Advocate for respondent-UI.

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**Harsimran Singh Sethi, J. (Oral)**

In the present writ petition, the prayer of the petitioner is for issuance of a direction to the respondents to grant the petitioner fixed medical allowance with effect from the date of his retirement i.e.01.04.2002 along with arrears.

After notice of motion, respondents have filed reply, wherein, it has been mentioned that the petitioner was weeded out of the service on 24.01.2006 and, thereafter, the petitioner was granted his pensionary benefits. It has been further mentioned in the reply that the petitioner has submitted an application for restoration of commutation of pension on completion of 15 years of retirement and also for the grant of fixed medical allowance, in pursuance to which application, the petitioner was requested to apply in the prescribed format duly attested by the Chief Medical Officer

of the area so that the prayer of the petitioner could be considered. As per the reply, the petitioner never responded to the respondents with the required formalities duly prescribed by Chief Medical Officer hence, his prayer could not be carry forward due to non-action on the part of the petitioner.

There is no replication file to the said written statement of the respondents.

Keeping in view the above, no orders are required to be passed in the facts and circumstances noticed herein before.

However, the petitioner will be at liberty to comply with the requirements of the respondents for the grant of fixed medical allowance in the required format along with the attestation by the Chief Medical Officer of the area. In case, the petitioner applies with the said requirements, the respondents are directed to consider the prayer of the petitioner within a period of eight weeks from the date of completion of the said formalities by passing appropriate speaking order.

**May 30, 2022**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*