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

CWP-13239-2021

Date of decision : 23.01.2023

Des Raj Ghai and others

...Petitioners

Vs.

Food Corporation of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Suman Kumari, Advocate for
Mr. Mandeep K.Sajjan, Advocate for the petitioners.

Mr. Krishan Kumar Gupta, Advocate for the respondents.

MANOJ BAJAJ, J.

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the order dated 28.04.2021 (Annexure P-16), whereby their respective claims seeking medical re-imburement stand rejected by respondent No.4.

Learned counsel for the petitioners prays for an adjournment on the ground that the petitioner No.3 has expired.

A perusal of the case file reveals that ever since filing of this writ petition, only requests for adjournments have been made and even no notice of motion has been issued in this case. The prayer for adjournment is declined.

As per the averments in the writ petition, the petitioners worked with respondent-Corporation, as Managers, in different capacities and after completion of their service period, retired on 31.03.2013, 30.06.2009 and 31.08.2010 respectively. As per the case of the petitioners, they underwent

medical treatment for their respective ailments and submitted their claims for re-imbursement under Post Retirement Medical Scheme. Since the said claims were not being decided, therefore, they filed CWP-2432-2021, which was decided on 17.02.2021 (Annexure P-14) with a direction to the competent authority to take the final decision in the matter expeditiously preferably within a period of ten weeks. Pursuant to the order dated 17.02.2021, the claim of the petitioners was dismissed through impugned order dated 28.04.2021 (Annexure P-16).

A careful perusal of the impugned decision shows that all these retired employees had taken treatment at Wadi's Hospital, Bahadurgarh, but upon verification from the hospital, its' doctors and other staff members, it transpired that the claim of the petitioners is not based upon genuine documents and the same was found to be fake, as even the said hospital is not having any room/bed.

Since the claim of the petitioners is based upon disputed facts, and can not be adjudicated upon by exercising writ jurisdiction under Article 226 Constitution of India, therefore, this Court is not inclined to entertain this writ petition, as the petitioners can avail alternative remedy.

Dismissed.

(MANOJ BAJAJ)
JUDGE

23.01.2023

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No