

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

(213)

LPA-204-2018 (O&M)

Decided on : 06.09.2023

Tejinder Pal Kaur

.....Appellant(s)

Versus

Punjab and Haryana High Court, Chandigarh and another

.....Respondent(s)

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

Present: Mr. Munish Jolly, Advocate for the appellant (s).

Mr. Karan Sachdeva, Advocate for respondent No.1.

Mr. L.S. Virk, Addl. Standing Counsel for respondent No.2.

G.S. Sandhawalia, J. (Oral)

Consideration in the present Letters Patent Appeal is to the order of the learned Single Judge passed in CWP-7114-2012 dated 13.09.2017 whereby the writ petition filed by the present appellant was dismissed while noting that the medical reimbursement was being claimed by the writ petitioner for her husband and he was an employee of the Central Government and there was a specific rule that a person who is an employee of the other State/Central Government or working in any other institution would not entitle him to claim reimbursement.

2. The brief order dated 13.09.2017 reads as under:-

“Short question for consideration in the present petition is whether the petitioner who is a former employee of this Court can claim medical reimbursement on behalf of any member of her family who is an employee of the other State/Central Government or is working in any other institution or not?

Undisputedly petitioner's husband Sh. Harmesh Singh was an employee of Central Government. This Court issued a Notification on 15.4.1991 (Annexure R-6) which reads as under:-

“HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

NOTIFICATION

No.163 A/CS/XXIX.Z.22 (a) dated 15.04.91

In Exercise of the powers conferred by Articles 229 and 231 of the Constitution of India, read with rule 34(1) of the High Court Establishment (Appointment and Conditions of Service) Rules, 1973 and all other power enabling him in this behalf, Hon'ble the Chief Justice has been pleased to extend the benefits of medical facilities, enjoyed by the Punjab Govt. Pensioners under instructions issued by the Punjab Govt. from time to time, to the pensioners of this Court.

The medical expenses of the pensioners of this Court retiring after 1.11.1996, will be drawn by this Court from the Punjab Treasury, and will be shared subsequently by the concerned States and the same will be debitable to the head “2235-Civil Security and Welfare Rehabilitation”.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd.-S.K. Jain

REGISTRAR”

In view of the above notification for the purpose of extending medical benefits to a retired officer/employee, the Punjab Government Rules and Instructions are to be adhered. Rule 22 of Chapter III of the Punjab Service (Medical Attendance) Rules, 1940 reads as under:-

“Punjab Government employee is not entitled to claim reimbursement of medical charges in respect of any member of his family who is an employee of the other State/Central Government or is working in any other institution.”

In view of the above notification read with statutory provision, petitioner has not make out a case for medical reimbursement in respect of her husband (member of the family). Accordingly, petition stands dismissed.”

3. Counsel for the appellant has tried to convince us that the claim of medical bills of Rs.1,90,615.69 and Rs.33,414/- in respect of the treatment of

her husband as indoor patient at PGIMER, Chandigarh is liable to be paid on account of the fact that on an earlier occasion the medical reimbursement amounting to Rs.36,494/- had been released to the appellant by the then Home Secretary, Chandigarh Administration.

4. The defence of respondent No.1-High Court in this context is that the husband of the appellant was working and retired from the Central Government department and reimbursement which had been sanctioned was in the year 2003. The same had been done inadvertently on the basis of wrong information provided while processing the request made by the writ petitioner on in connivance with someone. It was, thus, the plea of this Court that illegality or mistakes cannot be perpetuated. Even otherwise, there can be no plea of promissory estoppel raised, if it is against statute.

5. Neither the Union of India is impleaded as a party nor the husband of the appellant, his employer.

6. Mr. Jolly has brought to our notice that a request had been made to the employer by Harmesh Singh, the husband of the appellant after the decision of the learned Single Judge on 26.10.2017 (Annexure A-1) for registration under the Central Government Health Scheme (CGHS), which has been now been denied vide communication dated 17.11.2017 (Annexure A-2) on the ground that cover cannot be extended with retrospective effect.

7. As noticed above, the employer has not been impleaded as a party. In our considered opinion, it is open to the husband of the appellant to agitate for his grievances before the competent forum in accordance with law for the claim of medical reimbursement. Resultantly, since the order of the learned Single Judge does not suffer from any infirmity, which would warrant interference in the present Letters Patent Appeal the same is dismissed, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

06.09.2023
Naveen/sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No