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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26428-2021

Date of Decision:24.08.2023

GENERAL MANAGER AND OTHERS

..... Petitioners

Versus

JASWANT RAI AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sanjeev Kaushik, Advocate and
Mr. Divyanshu Kaushik, Advocate
for the petitioner.

Mr. Pankaj K. Kapila, Advocate
for respondent No.1

Mr. Deepanjay Sharma, DAG, Punjab
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 22.10.2021 (Annexure P-8) passed by State Disputes Redressal Commission, Punjab, Chandigarh.

2. The respondent No.1, a retired Telecom Technical Assistant from the office of Telephone Exchange, BSNL, Mansa, filed a complaint before District Consumer Disputes Redressal Commission, Mansa seeking reimbursement of medical expenses. The complaint came to be allowed and petitioner preferred an appeal before Appellate Authority i.e. State Consumer Disputes Redressal Commission, Chandigarh. The appeal came to be dismissed vide order dated 22.10.2021.

3. Learned counsel for the petitioner, at the outset, submits that Government of India, Ministry of Personnel, Public Grievances and Pensions vide notification dated 31.10.2008 has notified that employees of BSNL being Central Public Sector Undertaking employee would be covered by Administrative Tribunals Act, 1985. Thus, respondent with respect to his grievance of non-payment of medical expenses was bound to approach CAT instead of Consumer Forum.

4. Faced with this, learned counsel for respondent No.1 submits that respondent may be granted liberty to approach CAT. He further submits that delay in approaching CAT may be condoned.

5. In the wake of statements of both sides, the present petition stands allowed. The impugned order is hereby set aside. The respondent No.1 is at liberty to approach CAT for the redressal of his grievances. It is made clear that if respondent No.1 approaches CAT within one month from today, the CAT would consider application of the petitioner as within limitation period.

(JAGMOHAN BANSAL)
JUDGE

24.08.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>