

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

CWP-7001-2022

Date of decision: 01.02.2024

HARBANS SINGH

....PETITIONER

Vs.

UNION OF INDIA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Navdeep Singh, Advocate and
Ms. Roopan Atwal, Advocate
for the petitioner.

Mr. Brijeshwar Singh Kanwar, Advocate
for respondent Nos. 1 to 3.

Mr. Gaurav Goel, Advocate
for respondent No. 4-bank.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226 of the Constitution of India is seeking direction to respondents to release fixed medical allowance.
2. On 04.04.2022, the following order was passed:-

“Learned counsel for the petitioner argues that in the present petition, concededly the petitioner was entitled for the grant of fixed medical allowance, which was not paid to the petitioner starting from the date he attained the age of superannuation. Learned counsel for the petitioner argues that in the present case though the respondents have now released the fixed medical allowance starting from the year 2019 but the arrears are not being paid to him by shifting the burden upon the bank. Learned counsel submits that whether the non-payment of fixed medical allowance to the petitioner is due to the negligence of the bank or

the respondents, the same cannot cause prejudice to the petitioner and the petitioner is entitled for arrears of the same from the date he became entitled for.

Notice of motion.

Mr. Brijeshwar Singh Kanwar, Advocate accepts notice on behalf of UOI and seeks time to file reply.

Let the reply be filed one week before the adjourned date with an advance copy to learned counsel for the petitioner.

Adjourned to 08.08.2022.”

3. Mr. Navdeep Singh, counsel for petitioner submits that as per communication dated 20.01.2020 (Annexure P-1), the petitioner was extended benefit of fixed medical allowance in 1999. The petitioner was not released said benefit till 2019 and he is entitled to arrears i.e. payment from 1999 to 2019.

4. Mr. Brijeshwar Singh Kanwar, Advocate submits that respondent Nos. 1 to 3 are not disputing claim of the petitioner, however, his claim can be processed subject to furnishing of requisite documents because it is a very old matter and department does not have the record.

5. Faced with this, Mr. Navdeep Singh submits that petitioner cannot submit CGHS certificate because there is no dispensary in his city and he has never availed benefit of CGHS.

6. This Court cannot decide disputed question whether petitioner has ever availed benefit of CGHS or fixed medical allowance. Respondents have admitted claim of the petitioner since 2019. The respondents are not disputing claim of the petitioner, however, they are disputing arrears on the ground of delay and non availability of documents.

7. The petition is hereby disposed of with liberty to petitioner to submit documents in support of his claim and respondent No. 1 to 3 shall decide

his claim in accordance with law.

8. The needful shall be done within 6 months from today.

01.02.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No