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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13913-2024
Date of decision: 29.11.2024

SEWA SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

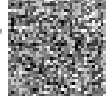
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

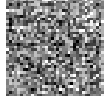
Present:- Mr. Kuldip Singh, Advocate for the petitioner.
Mr. Kapil Bansal, DAG, Haryana.
Mr. Pardeep Solath, Advocate for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order letter No.Estt./EA-3/2023-24/6085 dated 22.06.2023 (Annexure P-3-A), whereby the claim of the petitioner i.e. the reimbursement of the medical expenses to the tune of Rs.1,55,478/- incurred by him on treatment of his wife from 01.05.2023 to 02.05.2023 in PGI, Chandigarh has been rejected by the respondent-Bank and letter No.E-197994/C-1/11100 dated 14.09.2023 (Annexure P-5) issued by the office of respondent No.2 informing that the medical bill has been filed due to non-availability of provisions in the Service Rules in respect of medical reimbursement of retirees with a further prayer to direct the respondents to reimburse the actual medical expenses incurred by the petitioner along with interest @ 18% per annum.



2. Learned counsel for the petitioner submitted that the petitioner is a retired employee of the respondent No.4-Bank and he is seeking relief of medical reimbursement which has been denied to him because of the reason that no such provision exists in the Rules of the respondent No.4-Bank. He further submitted that as per Annexure P-7, which are the Instructions issued by the Registrar, Cooperative Societies, Haryana, Panchkula to the Managing Director of all the Central Cooperative Banks, the medical reimbursement is permissible to the employees of the Central Cooperative Banks and it has also been so stated that the reimbursement must be strictly in accordance with the Instructions of the State Government issued from time to time. In this regard, he referred to some of the Instructions including Instructions (Annexure P-6), which were issued by the Financial Commissioner and Principal Secretary to Government of Haryana, Health Department to all the Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions, The Registrar, Punjab and Haryana High Court, Chandigarh, All Deputy Commissioners in Haryana and all the Sub-Divisional Officers (Civil) in Haryana pertaining to the review of the Reimbursement Policy, in which it was stated that medical claims of the serving and retired employees of the State Government are to be cleared without any unnecessary delay, which is so evident from the first paragraph of the aforesaid Policy. He further submitted that once the Managing Director of all the Central Cooperative Banks have been directed by the Registrar, Cooperative Societies, Haryana, Panchkula under Rule 20 of the Haryana State Central Cooperative Banks Staff Service (Common Cadre) Rules, 1975 vide Annexure P-7 to grant reimbursement in accordance with the Instructions of the State Government issued from time to time and also the Instructions (Annexure



P-6) provide for benefit to the serving as well as retired employees of State Government, then the petitioner should not have been declined the aforesaid relief of medical reimbursement only on the ground that he is a retired employee.

3. Learned counsel for the petitioner also referred to the impugned letter/order dated 14.09.2023 (Annexure P-5), which was passed by the Registrar, Cooperative Societies, Haryana, Panchkula on the representation (Annexure P-4) of the petitioner by only stating that due to non-availability of the provisions in respect of medical reimbursement for retirees in Service Rules of Cooperative Banks, the aforesaid benefit cannot be granted to him. He further submitted that the aforesaid order is absolutely cryptic and a non-speaking order because the Registrar, Cooperative Societies, Haryana, Panchkula ought to have assigned some reasons especially by referring to the Instructions issued by the State Government from time to time and therefore, such an order is not sustainable.

4. Learned counsel for the petitioner also submitted that the action of the respondent-State and the respondent No.4-Bank in denying the benefit of medical reimbursement to retired employees has to be tested on the anvil of Article 14 and Article 21 of the Constitution of India.

5. On the other hand, learned State counsel submitted that the Registrar, Cooperative Societies, Haryana, Panchkula has denied the aforesaid benefit of medical reimbursement to the petitioner only on the ground that there is no provision existing for the retired employees.

6. Similar is the stand taken by the learned counsel for the respondent No.4-Bank.



7. I have heard the learned counsels for the parties.
8. The only issue involved in the present case is as to whether the petitioner, who is a retired employee of the respondent No.4-Bank is entitled for the benefit of medical reimbursement or not. The petitioner filed a representation dated 13.07.2023 (Annexure P-4) and the Registrar, Cooperative Societies, Haryana, Panchkula vide Annexure P-5 passed an order by simply stating that due to non-availability of the provisions in respect of medical reimbursement for retirees in Service Rules of Cooperative Banks, the aforesaid benefit cannot be granted to the petitioner. However, this Court is of the considered view that the aforesaid order is a non-speaking order and when the Registrar, Cooperative Societies, Haryana, Panchkula was to pass an order, then it was obligatory upon him to have referred to all the provisions pertaining to the Instructions issued by the State Government from time to time particularly in view of Annexure P-6 and Annexure P-7 in this regard as so stated by the learned counsel for the petitioner.
9. In view of the aforesaid facts and circumstances, the present writ petition is partly allowed. The impugned letter/order dated 14.09.2023 (Annexure P-5) is hereby set aside because the same is a non-speaking order. The Registrar, Cooperative Societies, Haryana, Panchkula is hereby directed to pass a speaking order by giving reference to all the Instructions which are applicable from time to time especially the aforesaid Annexure P-6 and Annexure P-7, in accordance with law. Let the needful be done within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

29.11.2024
Chetan Thakur

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