

**CM-13789-CWP-2024 in/and
CWP-15136 of 2023
Date of Decision : 29-08-2024**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Sanjeev Sharma, Advocate
for respondent Nos.2 to 5.

HARSIMRAN SINGH SETHI, J. (Oral)

This is an application for placing on record replication to the
reply filed on behalf of respondent Nos.2 to 5.

In view of the contents mentioned in the application, the same is allowed.

Replication is taken on record.

In the present petition, the grievance being raised by the petitioner is that the petitioner is a retired employee of the Punjab Agricultural University and after retirement, the petitioner had undergone

medical treatment and the petitioner sought reimbursement of the same keeping in view the Instructions of the Punjab Agricultural University, copy of which has been appended as Annexure P-1 but the respondents have denied reimbursement to the petitioner keeping in view the decision dated 12.10.2014 taken in a meeting of a Committee constituted in this regard.

Learned counsel for the petitioner submits that once, the petitioner is entitled for the grant of the medical reimbursement as per Annexure P-1, the subsequent decision taken on 12.10.2014 to deny the same is not only arbitrary and illegal but the said decision dated 12.10.2014 cannot be made applicable retrospectively.

Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that though, at one given point of time, the ex cadre employees who were earlier working in the University Seed Farms, Ladhawal, Ludhiana of the Punjab Agricultural University, a decision was taken by the competent authority not to treat them eligible for the grant of medical reimbursement keeping in view the decision taken on 19.09.2014, copy of which has been appended as Annexure R-2/5 and therefore, keeping in view the said recommendation earlier Notification Annexure P-1 dated 09.11.2005 cannot be made applicable so as to claim the medical reimbursement.

Learned counsel for the respondent-University further submits that the petitioner was an employee of the Seed Farms Corporation of India and none of the employees of the said corporations are getting the medical reimbursement and therefore, the petitioner is also not eligible for the claim the medical reimbursement though, he was working with the Punjab

Agricultural University and had retired from the Punjab Agricultural University.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The only question which arises for the determination is whether, the petitioner is to be treated eligible for the reimbursement of the medical bills which, the petitioner has submitted keeping in view the treatment which the petitioner had undertaken in January, 2014.

From the facts, it is clear that the petitioner was working with the Punjab Agricultural University though on ex cadre post but he retired from the said University. Once the respondents, had taken a decision Annexure P-1 that the medical reimbursement will be available to the employees who were earlier working with the Seed Corporation of India, the petitioner becomes entitled for the grant of the medical reimbursement.

It is not disputed even by the learned counsel appearing on behalf of the respondent-University that Annexure P-1 entitles the petitioner and the similarly situated employees who were working with the Punjab University, the medical reimbursement. Once, on the date when the petitioner had undertaken the medical treatment, Annexure P-1 was applicable, the respondents are bound to decide the claim of the petitioner only on the basis of the decision dated 09.11.2005 (Annexure P-1) and could not have rejected the same on the basis of the resolution which has been passed in September, 2014 i.e. Annexure R2/6.

Even otherwise, nothing has come on record that the decision Annexure R2/6 is to operate retrospectively.

Learned counsel for the respondent-University also concedes the factum that any medical bill relating to the period prior to the decision dated 19.09.2014 will be treated under the Annexure P-1 and will be reimbursed.

Keeping in view the said statement, the grievance of the petitioner does not survive any further as of now with regard to the bills which related to the period which is prior to 14.09.2014 hence, the respondents are directed to reimburse the medical bills which the petitioner has submitted under the Policy Annexure P-1 dated 09.11.2005.

The question with regard to the validity of Resolution dated 14.09.2014 is not been decided in the present representation as, the same can be decided in any other case, if raised.

Let the consideration for the release of the medical bills be finalised within a period of 8 weeks from the receipt of copy of this order and whatever the petitioner is found entitled for reimbursement, the same be released to him.

The present petition is disposed of accordingly.

Pending applications, if any, also stand disposed of.

29-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO