

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CWP-20162-2020
Date of decision : 01.03.2024

Inderjit ...Petitioner

Versus

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vikas Kumar Gupta, Advocate for the petitioner.

Mr. Swapan Shorey, D.A.G. Punjab

AMAN CHAUDHARY, J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is for directing the respondents to release medical bills, reimbursement benefits with interest @18% from date of accrual till date of payment.

2. Learned counsel would submit that the petitioner retired from Education Department on 31.05.2004 and a pensioner of Punjab Government but the medical bill of the son of the petitioner amounting to Rs.6,22,466/- (Rs.88,850/- and Rs.5,33,616/-), who is unfortunately suffering from Acute promyelocytic leukemia, were not reimbursed by passing a non-speaking order dated 05.03.2020, Annexure P-6, despite the fact that the petitioner was entitled to the same.

3. Learned counsel further submits that his son was unemployed and continues to be as such, due to his illness and is totally dependent upon him, as per dependant certificate duly issued by Municipal Councilor, Halka on 15.01.2019,

Annexure P-4. The son of the petitioner was also not an income tax payee, which

was a requirement of the Rule. The daughter in law of the petitioner has recently joined the private school as M.T.T Teacher on 03.01.2022 but at the relevant time, she was also not employed and these facts have not been taken into account, while passing the above non-speaking order.

4. Learned State counsel is unable to controvert the aforesaid facts, and submits that the respondents would not be averse to have a relook at the matter.

5. There is found to be conspicuous deficiency in the consideration while reaching the decision, as is evident from the vague nature of the impugned order, while it was imperative for it to have been self-contained, speaking and reasoned.

6. In view of the aforesaid, the present writ petition is allowed and order dated 05.03.2020, Annexure P-6 is set aside. The respondents are directed to pass an order afresh, taking note of the pleas raised by the petitioner, as noticed above, within a period of four months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

01.03.2024
G Arora

<i>Whether speaking/reasoned</i>	<i>:-</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>:-</i>	<i>Yes/No</i>