



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

**CWP-10514-2023
Date of decision: 27.10.2025**

RAJESH GARG

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Ankur Sheoran, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. S.S. Bedi, Advocate for respondent No.3.

HARPREET SINGH BRAR, J (Oral):

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of *certiorari* for quashing the order dated 01.02.2023 (Annexure P-11) whereby the respondents have rejected the claim for medical reimbursement to the petitioner. It is further prayed that a writ in the nature of *mandamus* be issued directing the respondents to reimburse the amount of Rs.3,40,855.50/- spent by the petitioner on the treatment of his wife which has not been reimbursed till date along with interest @ 18 % per annum.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner had retired on 31.01.1999 after serving the respondent No.3- Corporation. The wife of the petitioner had undergone knee replacement surgery on 12.05.2025 at the Post Graduate Institute of Medical Education and Research, Chandigarh (PGIMER). She remained admitted from



on her treatment. The petitioner submitted the entire medical records and bills to respondent management on 28.07.2015 for reimbursement. However, the respondent No.3 kept the matter pending on the ground that the issue regarding reimbursement of medical allowance of retirees/pensioners is under consideration of the establishment branch, as mentioned in letters dated 28.07.2015 and 24.08.2015 (Annexures P-3 and P-4 respectively). The petitioner again sent a reminder to respondent to intimate him about the action taken in the matter to enable him to take further necessary steps. The petitioner, while in service, was getting all facilities like medical reimbursement, LTC, Leave encashment at par with the employees of respondent No.3-Corporation and submits that all employees of the respondent-Corporation are entitled to medical reimbursement as per the Punjab Government Rules as amended from time to time. Further, Rule 27 of the Punjab Water Resources Management and Development Corporation Employees By-laws does not create any distinction between a serving employee and retired employees. It is submitted that the case of the petitioner is squarely covered by the judgment rendered by this Court in **CWP No.7957 of 2016**, titled as '*A.K. Bhatnagar Vs. State of Haryana and others*', decided on 27.04.2017. Further a Two-Judge Bench of the Hon'ble Supreme Court in *Housing Board Haryana and others Vs. Yatinder Kumar Gupta and others*, **Special Leave to Appeal (Civil) No. 14826 of 2022** decided on 19.09.2022, has categorically held that retired employees are entitled to medical reimbursement at par with their serving counterparts.

3. *Per Contra*, learned counsel for respondent No.3 Corporation submits that the claim of the petitioner was declined by respondent No.2.



and submits that only the serving employees of the respondent are entitled to medical reimbursement in terms of Rule 27 of the Punjab Water Resources Management and Development Corporation Employees By-laws. The petitioner, being a retiree, is not entitled to medical reimbursement. The petitioner, after attaining the age of superannuation on 31.01.1999, became a retiree of the Corporation, and as such, under Rule 27 of the employees By-Laws, the claim of the petitioner has been rightly rejected by respondent No.2.

4. Having heard the learned counsel for the parties and upon perusal of the record, this Court is of the considered opinion that the issue involved in the present case is no longer *res integra* and stands squarely covered by the judgment of this Court in ***A.K. Bhatnagar (supra)*** as well as by the judgment of the Hon'ble Supreme Court in ***Yatinder Kumar Gupta (supra)***.

5. A Coordinate Bench of this Court in ***A.K. Bhatnagar (supra)*** rejected the contention that the expression 'employees of the Corporation' refers only to serving employees and excludes retired employees. It was held that there is nothing in the resolution or the relevant provisions to suggest that retired employees of the Corporation are disentitled to the extension of medical facilities at par with serving Government employees. Accordingly, the expression 'employees of the Corporation' was interpreted to include retired employees for the purpose of grant of medical benefits. Furthermore, reference in this regard can also be made to the judgement of the Division Bench of this Court in **LPA No. 1865 of 2017** titled '***Housing Board Haryana, Panchkula through its Chairman and another Vs. Krishan Chander and others***' (decision dated 19.05.2022)



“13. ...As noticed, the amendment had necessarily been made on 28.01.2020 but has created a different class of retired employees who are not to be given the said benefits whereas the similarly situated serving employees of the Board were given the said benefits. The same is not applicable to the Government employees and therefore, the distinction which has been made to the retired members of the service of the Board is hit by Article 14 of the Constitution of India as there is no intelligible differentia made out to put them in a different classification. The Board cannot shrug off its responsibility to provide the benefits for its retired employees on account of financial difficulties as the Board has taken the services of the employees during the youthful days and when medical reimbursement is required after retirement on account of aging process which the human being has to undergo, they then are put in a different class and rather when they require the said benefit more than the ones' who are serving. No such distinction could be pointed out that State Government employees who had retired were also liable to be treated likewise.

14. In such circumstances, we are of the opinion that the amendment which has been made whereby facility is not admissible to the retired members of the service is ultra-vires of Article 14 of the Constitution of India and deserves to be struck down and it is ordered accordingly. The appellant-Board shall continue to grant the same benefits of medical allowance as are being given to the members of the service by the State whether they are retired or serving...” (Emphasis supplied)

6. Moreover, a Two-judge Bench of the Hon’ble Supreme Court in *Yatinder Kumar Gupta (supra)* has observed as follows:

“We agree with the reasoning in the impugned judgment that the retired employees of the appellant Board are entitled to medical reimbursement at par with the State government employees and the in-service employees of the Board. The appointment letter of the retired employees is clear that they would be entitled to benefits as applicable to State government servants. As per Clause 7 of the appointment letter, the employees of the Board are governed by the rules applicable to the Haryana government employees. Regulation 13 of the Haryana Housing Board (Recruitment & Conditions of Service of Officers and Employees) Regulations, 2006 also states that in respect of pay, leaves and other matters not provided for in the regulations, the employees of the Board shall be governed by the corresponding rules of the State government.

On the interpretation of the notification dated 28.01.2020, which was issued by the Housing Department, Haryana, we agree with the High Court that the benefit of medical reimbursement is made



available to the employees of the Housing Board, Haryana, and therefore to single out the retired employees to deny them this benefit, contrary to the terms of the appointment letter and the 2006 Regulations, would be wrong. Payment of a lump sum amount under the contributory provident fund scheme, was not a one-time payment towards medical reimbursement. In our opinion, medical reimbursement has no link with the contributory provident fund scheme. The respondents are not seeking pension. Contributory provident fund did not subsume medical reimbursement. The High Court was, therefore, justified and correct in issuing the said directions. We hope and trust that the petitioner - Board will give benefits of the judgment to all retirees of the Board.”

(Emphasis supplied)

7. Rule 27 of the Punjab Water Resources Management and Development Corporation Employees By-laws states that an “Employee shall be entitled to Medical Reimbursement as per Punjab Govt. Rules as amended from time to time.” There is nothing in the By-Laws to suggest that retired employees of the Corporation are disentitled to the benefit of medical reimbursement at par with currently serving employees. Accordingly, the expression ‘employee’ in Rule 27 must be interpreted to include retired employees for the purpose of grant of medical reimbursement.

8. In view of the foregoing discussion, the present petition is allowed. The impugned order dated 01.02.2023 (Annexure P-11) is hereby quashed. The respondents are directed to reimburse the amount incurred by the petitioner towards medical treatment, along with interest at the rate of 6% per annum from the date of filing of the writ petition, within a period of six weeks from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

27.10.2025

MONIKA RANI
2025.11.03 12:46
I attest to the accuracy and
integrity of this document

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No