



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3622 of 2024

Chandra Pal Singh

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kushagra Vaibhav Singh, Pradeep Kumar Singh
Counsel for Respondent(s)	:	C.S.C., Krishna Mohan Asthana, Shivam Yadav

Court No. - 34

HON'BLE GARIMA PRASHAD, J.

Heard learned counsel for the petitioner, Mr. Shivam Yadav, learned counsel for the respondent Nos.2 and 3 and the learned Standing Counsel for the respondent No.1.

Petitioner's case in the writ petition is that the petitioner is a retired employee of the Moradabad Development Authority (MDA), the respondent No.2 herein. After serving for more than 35 years with the respondent No.2, the petitioner retired from service after attaining the age of superannuation on 30.9.2018.

Learned counsel for the petitioner submits that the wife of the petitioner underwent prolonged medical treatment during the year 2020 at various hospitals. He relies upon the letter dated 19.10.2020 issued by the Secretary, Moradabad Development Authority, the respondent No.3 herein, to submit that the treatment of the petitioner's wife will be undertaken as per the direction of the Government doctor at District Hospital, Moradabad and future reimbursement bills be raised accordingly. Accordingly, the petitioner's wife was treated at Siddh Multispecialty Hospital, Moradabad and at Sir Ganga Ram Hospital, New Delhi. The wife of the petitioner died on 28.1.2023. The petitioner had been raising various claims towards reimbursement of medical bills from time to time and on 27.2.2023 he presented a consolidated representation claiming reimbursement of Rs.39,49,143/- towards medical treatment in terms of the Uttar Pradesh Government Employees (Medical Facilities)

Rules, 2011 as adopted by the Board of MDA in its 115th Meeting dated 7.4.2017.

Learned counsel for petitioner further submits that when the respondents failed to reimburse the medical treatment bills, the petitioner approached this Court by means of Writ-A No.14919 of 2023 in which several orders were passed by this Court directing the Moradabad Development Authority to decide the claim of the petitioner. Finally, the Moradabad Development Authority in its 135th Board's meeting dated 30.1.2024 rejected the claim of the petitioner on the ground that the adoption of the Uttar Pradesh Government Government Servant (Medical Attendant) Rules, 2011 (as amended in the year 2014) has yet not been approved by the State Government and hence the said Rules cannot be implemented as provided under Sections 55 and 56 of the Uttar Pradesh Urban Planning and Development Act, 1973. It was held that pending adoption of the Amended Rules, 2014, the medical reimbursement would now be governed only by the Government Order dated 6.10.1979 wherein benefits are not available to a retired employee of the Development Authority.

The petitioner has challenged the aforesaid Board Resolution and the consequential order rejecting the claim of the petitioner on the ground that U.P. Government Servant (Medical Attendant) Rules, 2011 (after adoption by the MDA) shall be governed by Rule 37(2) of the U.P. Centralized Service Rules, 1985 and shall entitle the petitioner for reimbursement of medical claims of his wife. The petitioner has also relied upon the decision of this Court in Writ-A No.10537 of 2023 (Brijesh Bahadur Singh vs. State of U.P. and others) decided on 31.7.2023 and in Writ-A No.715 of 2023 (Rajendra Prasad Dwivedi vs. State of U.P. and others) decided on 11.5.2023.

The counter affidavit filed on behalf of the MDA is not satisfactory and is a bald narration of facts. It has not been explained by the MDA as to how it has taken a subsequent decision in its 135th meeting reversing the decision taken in its 115th Board's meeting. No explanation has come forth to show as to how the entitlement, which was available to the petitioner as per the affidavit dated 20.11.2023 filed by the respondent

No.2, has been withdrawn vide the impugned resolution. Further, there is no response to the petitioner's case that the entitlement to medical reimbursement follows on the provisions of Rule 34(4) read with Rule 37(2) of the Centralized Service Rules, 1985 by virtue of the Medical Attendance Rules, 2011 become applicable to retired members of the Centralized Service, including their family.

The respondent Nos.2 and 3 are granted two weeks time to file an affidavit responding to the above contentions.

In case the affidavit is found vague, this Court would have no option but to summon the Vice Chairman of the Moradabad Development Authority for assistance of the Court.

List this matter on 12.1.2026 in top ten cases.

(Garima Prashad,J.)

December 11, 2025

Rakesh