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SLP(C)No. 13365 OF 2000

ITEM No.48

Court No.11

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13365/2000

(From the judgement and order dated 10/12/1999 in CWP 11030/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

U.T. ADMINISTRATION

Petitioner (s)

VERSUS

B.K. KHANNA & ORS.

Respondent (s)

Date : 09/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. Nidhesh Gupta, Adv.
Mr. Naveen Singh, Adv.
Ms. Naresh Bakshi, Adv.

For Respondent (s) Ms. Indra Sawhney, Adv.

Mrs. Jayshree Anand, Addl. Adv. Gen.
Mr. G. Sivabalamurugan, Adv.
Mr. Rajeev Kumar Sharma, Adv.
Mr. R.S. Suri, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.J.
.SP2

Leave granted.

The appeal is disposed of without any order
as to costs in terms of the signed order.

.SP1

(K.K. Chawla)
Court Master

(D.D. Jindal)
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of SLP(C) No.13365 of 2000)

U.T. ADMINISTRATION ... APPELLANT

VERSUS

B.K. KHANNA & ORS. ... RESPONDENTS

O R D E R

.SP2

Leave granted.

Upon hearing the submissions made on behalf of the parties, we do feel it expedient to record that the technicalities of the situation as raised in support of the petition herein may be reserved for a future occasion rather than to be disposed of at this juncture on the special facts of the matter under consideration. The concerned employee, retired in the year 1983 but unfortunately, he had to undergo a by-pass surgery for which he did spend a substantial amount of money and to the tune of Rs.1,56,750/- at the Escorts heart hospital. Being however, a retired employee he claimed medical reimbursement. The records depict that his case was referred to the State of Punjab for necessary sanction. The Director, Health & Family Welfare, Punjab has certified the expenses however to be Rs.84,393 as per the rates of AIIMS, New Delhi for reimbursement.

By reason however of non-payment and on a writ petition being moved, the High Court passed an order directing the payment to be made as sanctioned by the Director, Health and Family Welfare, Punjab with even a default clause pertaining to payment of interest.

It is this order of the High Court which stands challenged in this appeal by the U.T. Administration, Chandigarh.

Mr. Nidhesh Gupta, the learned Advocate in support of the appeal very strongly disputed any liability for payment having regard to the introduction of conditions of service of Union Territory of Chandigarh Employee Rules, 1992, with retrospective effect from 1st April, 1991. It has been contended that by reason of the retirement of the employee concerned in 1983, the Appellant is otherwise justified in its stand of there being no liability - undoubtedly a well-formulated defence - but does it justify the Court in a situation like the present, to go into the same and decide a question of law as above, having regard to the submissions of Mrs. Indra Sawhney that Chandigarh Administration has

.SP2

The above statements depict the correct state of affairs, but considering the factum of receipt of payment, this Court deems it expedient to resolve the dispute between the contesting parties herein with a direction on to the Chief Secretary, Punjab Government to look into the matter of allocation of fund as per the existing notification and issue necessary orders therefor in terms of the usual procedure as has been laid down in the notification within a period of six weeks from the date of communication of this order. Let it be placed on record that this order is being passed in the special facts of the matter under consideration and without prejudice to the rights and contentions of the U.T. Administration, Chandigarh. The appeal stands disposed of accordingly without any order as to costs.

.SP1

.....J.
(Umesh C. Banerjee)

.....J.
(Doraiswamy Raju)

New Delhi,
April 9, 2001.