

(2025) 12 P&H CK 0060

Punjab And Haryana HC

Case No: Civil Writ Petition No. 19672 Of 2025 (O&M)

Gurcharan Dass And Others

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Constitution Of India, 1950-Article 14, 226, 227
- Haryana Housing Board (Recruitment & Conditions Of Service Of Officers And Employees) Regulations, 2006- Regulation 13

Hon'ble Judges: Harpreet Singh Brar, J

Bench: Single Bench

Advocate: Dinesh Kumar, Bhoomika, Saurabh Girdhar, Rajni Gupta

Final Decision: Allowed

Judgement

Harpreet Singh Brar, J

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to provide medical reimbursement facility to the petitioners/retired employees of respondent No.4/Corporation. Further a writ of certiorari has been sought, for quashing the order/letter dated 27.06.2025 (Annexure P-12) passed by respondent No.5 as well as the order/letter dated 08.07.2010 (Annexure P-2) passed by respondent No.3.

2. On 16.07.2025, the following order was passed by this Court:-

“Inter alia contends that respondent-Haryana Police Housing Corporation Ltd. is extending medical facility to serving employees whereas retired employees are denied.

No distinction can be drawn between retired and serving employees. A Division Bench of this Court vide judgment dated 19.05.2022 has already held in the case of Housing Board, Haryana that medical facility cannot be denied to retired employees if extended to serving employees. The

SLP filed against aforesaid judgment stands dismissed.

Notice of motion.....”

3. In compliance thereof, written statement on behalf of respondents No.4 and 5 has been filed in the Court today, which is taken on record.

4. Learned counsel for respondents No.4 and 5 submits that in view of its financial health, the respondent/Corporation is not in a position to reimburse the medical claims raised by the petitioners or the retired employees. Further, the government has directed the respondent/Corporation to assess such cases year-to-year basis keeping in view the financial health of the Corporation and accordingly reimburse such claims.

5. In reply, learned counsel for the petitioners has drawn attention of this Court to the judgment passed by the Division Bench of this Court in **LPA-1865-2017**, titled as **Housing Board Haryana, Panchkula through Chairman and another vs Krishan Chander and others**, decided on **19.05.2022** and submits that the Division Bench has rejected the precise argument raised by learned counsel for respondents No.4 and 5 regarding financial difficulties.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. The issue involved in the present writ petition is no longer res integra. The precise contention raised by respondents No.4 and 5 regarding financial constraints and the alleged inability of the respondent/Corporation to reimburse the medical claims of its retired employees already stands rejected by the Division Bench of this Court in **LPA No.1865-2017**, titled as **Housing Board Haryana, Panchkula through Chairman and another vs. Krishan Chander and others**, decided on **19.05.2022**. The Division Bench of this Court has categorically held that financial hardship cannot be a ground to deny legitimate medical reimbursement benefits to retired employees when the governing service conditions place them at par with serving employees. The said judgment has also been affirmed by the Hon'ble Supreme Court in *Housing Board Haryana and others vs. Yatindra Kumar Gupta and others*, passed in SLP (Civil) No.14826 of 2022, decided on 19.09.2022, wherein it was explicitly held that retired employees are entitled to medical reimbursement at par with State Government employees and serving employees of the Board. The operative part of the said judgment, reads 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 added)

8. Additionally, reference can also be made to the judgment of this Court in **A.K. Bhatnagar vs. State of Haryana and others**, passed in **CWP No.7957 of 2016**, decided on **27.04.2017**, wherein it was held that resolutions applicable to “employees” of the Corporation must necessarily include retired employees unless expressly excluded. Benefits forming part of the service conditions at the time of retirement cannot be withdrawn by a subsequent administrative resolution. The Corporation’s attempt to create two artificial classes i.e. serving and retired employees, for the purpose of medical reimbursement has repeatedly been held to be violative of Article 14 of the Constitution of India.

9. Moreover, a similar controversy involved in the present petition has already been decided by this Court in **CWP-29945-2024**, titled as **Satish Kumar vs State of Haryana and others**, decided on **09.10.2025**.

10. In the present case, the petitioners are admittedly retired employees of respondent No.4/Corporation. No material has been produced by the respondents to show that the benefit of medical reimbursement was lawfully withdrawn or altered prior to the petitioners’ retirement. The impugned orders dated 27.06.2025 (Annexure P-12) and 08.07.2010 (Annexure P-2), to the extent they deny medical reimbursement solely on the basis of financial incapacity of the respondent/Corporation, are unsustainable and contrary to the settled legal position.

11. Further, this Court cannot lose sight of the fact that a public body such as the respondent/Corporation cannot shrug off its responsibility to extend the medical reimbursement benefits to its retired employees by simply citing financial difficulties. The Corporation has availed the services of these employees during the prime and youthful years of their lives. After retirement, when age-related health problems begin, these employees need medical care and reimbursement the most. To deny medical reimbursement, at this stage, is wholly arbitrary and unreasonable. The respondents have not been able to point out any rule, regulation or policy to show that retired State Government employees, who form the benchmark for parity under the governing resolutions, are treated differently. In the absence of any such intelligible differentia, placing retired employees of the

respondent/Corporation, in a disadvantaged class, is constitutionally impermissible.

12. This Court is, therefore, of the considered view that the claim of the petitioners deserves to be accepted in light of the law laid down in A.K. Bhatnagar's case (supra), Krishan Chander's case (supra) as affirmed by the Hon'ble Supreme Court in Yatindra Kumar Gupta's case (supra). The respondent/Corporation cannot deny medical reimbursement to its retired employees in the absence of any statutory provision withdrawing or altering such entitlement prior to their retirement.

13. In view of the above discussions, the present writ petition is allowed. The impugned orders dated 27.06.2025 (Annexure P-12) and 08.07.2010 (Annexure P-2) are hereby quashed and respondents No.4 and 5 are directed to release the admissible medical reimbursement amounts to the petitioners strictly in accordance with the applicable rules and the law laid down in Para 12 of the judgment, within a period of two months from the date of receipt of a certified copy of this order.

14. If the payment is not made within the stipulated period, the amount shall, thereafter, carry interest @ 6% per annum from the date of default till the date of actual payment.