

52. The judgement rendered by this Court in **Neeraj Chaturvedi Vs. Central Bank of India and others reported at 2022 (4) AWC 3722** and relied upon by the petitioner will now be referenced. **Neeraj Chaturvedi (supra)** is distinguishable and is not applicable to the facts of this case. In **Neeraj Chaturvedi (supra)** the wife of the petitioner was suffering from 100% disability. In **Neeraj Chaturvedi (supra)** the person with disability was neither working nor drawing an independent salary.

53. No infirmity in the impugned order could be established. The impugned transfer order is not liable to be interfered with.

54. In wake of the preceding discussion the writ petition is liable to be dismissed and is accordingly dismissed.

55. Considering the mandate of the Disabilities Act, 2016 it would be pertinent to part with these observations. The critical place of care givers for realizing the rights of persons with disabilities, and also the obligations casts on employers have been discussed at length in the judgement. In case care givers are transferred the concerned employers should explore the feasibility of facilitating alternate care givers for the persons with disability or smooth shifting of the latter to the new place of posting.

56. Copy of this order be placed before the respective employers namely Principal Secretary, Basic Education, Government of UP and Managing Director, Central Bank of India for considering development of a policy in regard to care givers in the above light. In case such policy is evolved the petitioner and his wife will be entitled to its benefits.

(2025) 3 ILRA 285
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 17.03.2025

BEFORE

THE HON'BLE AJIT KUMAR, J.

Writ - A No. 122 of 2025

Smt. Maimuna Begum ...Petitioner
Versus
State of U.P. & Ors. ...Respondents

Counsel for the Petitioner:
Kalendra Prasad, Dharmendra Kumar

Counsel for the Respondents:
C.S.C.

Petitioner's claim for reimbursement of medical bills has been returned -on the ground that it was not be submitted within 90 days period prescribed under the Rules- if an employee has died during treatment- his wife/heirs should not be harassed for technical reasons-such a rule may at times be put to strict compliance where employee is alive-but where employee has died during treatment- such rules should not be permitted to come in the way of reimbursement of genuine claims of medical bills- the provision is liable to be held directory in nature.

W.P. disposed. (E-9)

(Delivered by Hon'ble Ajit Kumar, J.)

1. Heard learned counsel for the parties and perused the records.

2. The petitioner by means of the present writ petition under Article 226 of the Constitution of India has prayed for reconsideration of the reimbursement of medical bills that have been earlier

forwarded to the Committee, but the same was returned only on the ground of delayed submission.

3. It is submitted by learned counsel for the petitioner that the petitioner being a widow, the authority ought to have taken a pragmatic view of the matter inasmuch as husband of the petitioner having died during treatment, the widow was badly shocked and could recover after sometime only. □

4. From the perusal of the letter dated 17.12.2024, I find that the petitioner's claim for reimbursement has been returned only on the ground that it was not be submitted within 90 days period prescribed under the Rules.

5. In my considered view, if an employee has died during treatment, his wife/heirs should not be harassed for technical reasons. Such a rule that prescribes for submitting medical bills for reimbursement may at times be put to strict compliance where employee is alive but in case of heirs where employee has died during treatment, such rules should not be permitted to come in the way of reimbursement of genuine claims of medical bills. The provision is liable to be held directory in nature.

6. I may further observe that where an employee and his heirs are entitled to certain incidental benefits of service, delay can not be permitted to operate as bar by applying law of limitation. No provision is placed before this Court that claims for reimbursement after 90 days shall be liable to be rejected compulsorily. Thus reason given by the authorities in returning the medical bills, therefore as such, cannot be countenanced.

7. In view of what has been observed and held above, this Court hereby directs petitioner to submit again the medical bills before the Executive Engineer, Public Works Department, Raebareilly within a period of four weeks, and in the event medical bills are submitted as directed hereinabove, the concerned respondent, this time, shall clear the same as per relevant rules by taking appropriate decision within a period of two weeks from the date of presentation of medical reimbursement bills.

8. This petition stands **disposed of** as above.

(2025) 3 ILRA 286

APPELLATE JURISDICTION

CIVIL SIDE

DATED: ALLAHABAD 17.03.2025

BEFORE

THE HON'BLE SIDDHARTHA VARMA, J.
THE HON'BLE MS. NAND PRABHA SHUKLA, J.

Special Appeal No. 703 of 2024

State of U.P. & Ors. ...Appellants
Versus
Mahendra Paliwal & Anr. ...Respondents

Counsel for the Appellants:
S.C., Tej Bhanu Pandey

Counsel for the Respondents:
Kunal Shah, Prabhakar Awasthi, Shailendra Kumar Gupta

Civil Law – Allahabad High Court Rules, 1952 – Chapter VIII - Rule 5 - Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978 – Rule 10 & 10(1) - Intra court Appeal – a sanctioned post of Assistant Teacher (English) fell vacant at Junior High School - The Committee of Management sought permission -