



2026:AHC:21094

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 559 of 2026

Babu Ram Gangwar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Astitva Srivastava, Sasmita Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Pankaj Srivastava holding brief of Sri Astitva Srivastava, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. Sri Jitendra Prasad, learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that he was initially appointed as Gram Panchayat Adhikari in the year 1981 and he superannuated on 01.10.2024. According to the writ petitioner his son namely Pankaj Kumar fell ill during 21.12.2023 to 20.03.2024 and he went for medical treatment and the total amount so incurred in medical treatment was Rs. 4,42,105/-, the writ petitioner claimed medical reimbursement, however, claim stood rejected on 08.05.2025 by the District Panchayat Raj Officer, Pilibhit, respondent no. 4.
4. Questioning the same, the present writ petition has been preferred.
5. The writ petition was entertained on 20.01.2026 and Instructions have been sought.
6. Today, instructions were produced under the signature of District

Panchayat Raj Officer, Pilibhit. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for the simple reason that barring recital of the Government Orders dated 22.09.2021 and 23.08.2022, there is nothing on record to suggest as to what was the basis and violation of the Government Order dated in denying the said benefit. Learned counsel for the writ petitioner submits that the writ petitioner being a Ex- Government Servant was entitled for reimbursement towards the treatment of his son.

7. Sri Jitendra Prasad, learned Standing Counsel on the basis of the instructions has sought to argue that as per the Government Order dated 22.09.2021, in case, son or the daughter of the Government Servant is aged over and above 25 years, the medical reimbursement for treatment undergone cannot be given and further while relying upon the Government Order dated 23.08.202, it is submitted that as per the Government Order dated 23.08.2022 after the treatment within 30 days and before conclusion 90 days, the application is to be submitted for reimbursement.

8. I have heard the submission so made across the bar and perused the record.

9. Facts are in issue. It is not in issue that the writ petitioner had retired as Gram Panchayat Adhikari and his son was accorded medical treatment. The order impugned dated 08.05.2025 reads as under.-

"आपके द्वारा अपने पुत्र श्री पंकज कुमार, की चिकित्सा पर व्यय हुई धनराशि के भुगतान किये जाने हेतु प्रतिपूर्ति दावा अधोहस्ताक्षरी के कार्यालय में प्रस्तुत किया गया है। जो प्रमुख सचिव, चिकित्सा स्वास्थ्य एवं परिवार कल्याण, उ०प्र० शासन के शासनादेश सं०-242/2021/392/पांच-6-2020-5 (जी०) / 2020 दिनांक 22.09.2021 एवं एवं निदेशक, पंचायतीराज उ०प्र० के पत्र सं०-2/3554/2022-2/23/2020 भाग-2, लखनऊ दिनांक 23 अगस्त 2022 में दी गयी विहित व्यवस्था के अनुसार सारी औपचारिकताएं पूर्ण करते हुए सर्वप्रथम चिकित्सा कराये जाने के उपरान्त 03 माह के भीतर ही चिकित्सा प्रतिपूर्ति दावा प्रस्तुत किया जाना चाहिए था। जबकि आप द्वारा ऐसा नहीं किया गया, अर्थात् आपके द्वारा प्रस्तुत चिकित्सा प्रतिपूर्ति दावा स्वीकार किये जाने योग्य नहीं है।

अतः उक्त चिकित्सा प्रतिपूर्ति दावा समस्त व्यय वाउचर्स सहित आपको मूलरूप में इस निर्देश के साथ वापस किया जाता है। तथा सचेत किया जाता है कि आप भविष्य में भी उपरोक्त शासनादेशों में दी गयी विहित व्यवस्था के अनुसार ही समस्त आवश्यक औपचारिकताएं पूर्ण करने के पश्चात ही चिकित्सा प्रतिपूर्ति दावा

अधोहस्ताक्षरी कार्यालय को उपलब्ध कराना सुनिश्चित करें।

साथ ही आप पंडित दीनदयाल उपाध्याय राज्य कर्मचारी कैशलेस चिकित्सा योजना के अन्तर्गत तत्काल कार्ड बनवाकर सम्बन्धित चिकित्सालयों से अपनी एवं अपने आश्रितों की चिकित्सा कराना सुनिश्चित करें। पंडित दीनदयाल उपाध्याय राज्य कर्मचारी कैशलेस चिकित्सा योजना के द्वारा निर्गत कार्ड से इतर चिकित्सा कराये जाने अथवा उपरोक्तानुसार चिकित्सा प्रतिपूर्ति दावे प्रेषित न किये जाने की स्थिति में आपके द्वारा प्रस्तुत चिकित्सा प्रतिपूर्ति दावे पर विचार नहीं किया जायेगा। जिसका पूर्ण उत्तरदायित्व आपका होगा।"

10. On a pointed query being raised to the learned Standing Counsel whether the terms and conditions of the Government Order have been specifically noted in the order impugned or not, the answer with regard to the Government Order dated 22.09.2021 is in negative.

11. Sri Jitendra Prasad, learned Standing Counsel submits that the order be set aside, matter be remitted back to the authority to pass a fresh order indicating the reasons in that regard qua the Government Order dated 22.09.2021 and 23.08.2022.

12. Accordingly, the writ petition is being decided in the following terms.-

(a) the order dated 08.09.2025 passed by District Panchayat Raj Officer, Pilibhit is set aside;

(b) matter stands remitted back to pass a reasoned and a fresh order clearing indicating the reasons for non reimbursement in terms of the Government Orders dated 22.09.2021 and 23.08.2022 within a period of two months.

13. With the aforesaid observations, the writ petition stands **disposed of**.

14. Needless to point out that passing of the order today while setting aside the order dated 08.05.2025 of the District Panchayhat Raj Officer would not in any manner whatsoever given automatic right of the writ petitioner for medical reimbursement that will be subject to the orders passed by authorities.

January 30, 2026
Rajesh

(Vikas Budhwar,J.)