

Ram Lubhaya Bagga

Vs

State of Punjab and Others

Review Petition (C) No. 1627 of 1998 in CA No. 1111 of 1998

(S. B. Majmudar, V. N Khare JJ)

15.09.1998

ORDER

1. The main ground in support of the review petition is that the petitioner was not served in the special leave petition which was disposed of by our common judgment after granting leave. According to him, the notice issued in the special leave petition could not be served on him as he had left for Canada on 12-8-1997 and returned to India on 21-10-1997. We have seen the office report which states that in the said special leave petition filed against the review petitioner, notice was sent by registered post and the unserved cover contained the postal remarks that the addressee refused to receive the notice. On scrutiny of the office records, it was found that the registered cover which was received back showed the postal remark that the addressee refused to receive the notice. The remark is dated 10-8-1997. Therefore, it becomes clear that the review petitioner was on his own showing, in India and had refused to receive the notice on 10-8-1997 and as he left India, according to him after two days, i.e., on 12-8-1997, it appears that he was not interested in contesting the proceedings. Therefore, strictly speaking, it cannot be said that he was not given an opportunity to contest the proceedings. However, his contention is that he was paid the full amount of medical reimbursement charges even under the new policy and in the common order sought to be reviewed, we have taken the view that if any amount on the medical reimbursement bill is already paid to the person concerned after the new policy came into operation, then the amount already paid should not be recovered. Consequently, if the petitioner's case falls within this exceptional category permitted by us in the common judgment, appropriate orders will be required to be passed in his case also by giving him a fresh opportunity to prove his case. Hence, notice is directed to be issued to the respondents limited to the consideration whether the petitioner was paid the full amount of medical reimbursement charges after the new policy had already come into force, and if yes, whether any recovery can be effected from him.

2. Notice to issue on the prayer for condonation of delay also.

Court Masters