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Free Medical Treatment to Freedom Fighters
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. 12534 of 2007

Date of decision: September 22, 2008.

H.C.Arora Versus U.T.Administration, Chandigarh.

CORAM: Hon'ble Mr. Justice T.S.Thakur, CJ and
Hon'ble Mr. Justice Surya Kant.

Present: Shri H.C.Arora, Advocate, petitioner in person.
Ms.Deepali Puri, Advocate, for U.T.Chandigarh.

T.S.Thakur, CJ (Oral)

This petition filed in public interest prays for a mandamus directing the respondent to ensure free medical aid/treatment in Government Hospitals including the Post Graduate Institution (MER), Chandigarh to all the surviving freedom fighters living within Union Territory of Chandigarh.

Mr. Arora, who appears in person submits that according to his information there are at-least 23 freedom fighters who are living in different parts of the city in Chandigarh. These freedom fighters are, according to Mr. Arora, in receipt of Freedom Fighter Pension also, which implies that they have been recognized by the Government as Freedom Fighters, under the relevant pension scheme. Mr. Arora draws out attention to an extract from what appears to be a Manual dealing with the welfare of Freedom Fighters of Union Territory of Pondicherry. A reading of the said extract shows that apart from other measures like a Free Bus pass and reservation in

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all Housing Schemes etc., the Freedom Fighters in the Union Territory of Pondicherry are being provided Free Medical Facilities in State Central Government Hospital and "A" class wards when admitted as in patients. He urged that since Union Territory of Chandigarh is no different from Union Territory of Pondicherry, there is no reason why similar facilities should not be extended even to the Freedom Fighters living in U.T.Chandigarh.

Ms. Puri, appearing for U.T. Administration, on the other hand submits that no representation has been received from the Freedom Fighters by the Administrator so far, seeking any facility in the nature of Free Medical Aid or Treatment in State and Central Government Hospitals in Chandigarh. She submits that if a representation is made, the Administrator of U.T.Chandigarh would look into the matter and take an appropriate decision in accordance with law.

We have given our careful consideration to the submissions made at the Bar. We do not for the present wish to express any final opinion as to the entitlement of the Freedom Fighters to claim Free medical facility in the State-Central Government Hospitals. All that we need say is that the Administrator of U.T.Chandigarh can examine the matter and take an appropriate decision, having regard to the facilities which are being provided to the Freedom Fighters in other parts of the country including the U.T. Pondicherry for that purpose, we are also of the opinion that the U.T. Administrator need not wait for a formal representation to come from the Freedom Fighters and the present petition filed by the petitioner, may itself be treated as a representation to enable the Administration to take an appropriate action.

We, accordingly, dispose of this petition with a direction that

the U.T. Administrator Chandigarh shall treat the prayers made in the writ petition as a prayer in a representation filed on behalf of the Freedom Fighters and take an appropriate decision in the matter expeditiously but not later than two months from the date, a copy of this order is provided to Ms. Puri. Needless to say that in case the U.T. Administration decides to extend the facility to the Freedom Fighters in State and Central Government Hospitals, necessary directions in that regard shall also be issued to the concerned Hospitals to avoid unnecessary harassment to those who are entitled to the facilities. No costs.

Sd/- T.S. Thakur
Chief Justice

Sd/- Surya Kant
Judge

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