

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Writ Petition No.3940 of 2011 (O&M)  
Date of decision:05.03.2012

Yasin Khan son of Shri Mouj Khan, resident of Village Krehra, PO and Tehsil Nagina, District Mewat, presently posted as Sub Fire Officer in the office of Municipal Council, Jaghadhari.

...Petitioner

versus

The State of Haryana, through its Secretary, Department of Urban Development, Haryana Civil Secretariat, Chandigarh, and others.

....Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

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Present: Mr. Jagbir Malik, Advocate, for the petitioner.

Mr. Kshitij Sharma, Assistant Advocate General,  
Haryana

Mr. Narender Singh, Advocate, for respondent No.4.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

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**K.Kannan, J. (Oral)**

1. The petitioner seeks for a direction for reimbursement for the expenses incurred by him for undertaking a training at the National Fire Service College, Nagpur. The petitioner would claim that his case was recommended for the 59<sup>th</sup> Station Officer course at Nagpur by the Director, Local Bodies and he has undergone the training. In terms of the direction already issued by the Director,

Local Bodies, to all the Administrators of the 'A' Class Municipal Committees and the Administrator of the Municipal Committee at Yamuna Nagar, it was informed that a decision has been made to provide for the expenditure incurred for training of the employees to be met out of the municipal fund within the sanctioned budget grant of the Committee concerned. The petitioner's grievance is that the expenditure incurred by him to be tune of Rs.42,868/- has not been reimbursed in spite of the fact that the petitioner has submitted all the necessary bills.

2. The contention in reply is that even at the time when the petitioner was sent for the training course, he had given an affidavit on 20.03.2008 that he would go at the expenses of the Municipal Council, Jagadhari and if the expenditure was not approved by the Municipal Council due to some reasons, then he would bear the expenses himself for the said training. It is contended that the matter was put through resolution of the Municipal Council as Agenda No.10 and it was unanimously decided to keep the matter pending. It is a strange way of disposal of entitlement of employee to be reimbursed in the expenses and I will not see that there could be any estoppel for a person to demand that he has incurred, especially when there had been a recommendation by the Director that the expenditure shall have to be borne out of the funds of the Municipal Committee. A clause such as that the expenditure would be borne by the candidate himself, if it were not approved by the

Municipal Council, cannot be understood as enabling a public authority to decide not to approve without assigning any reason. The public authority shall so conduct itself that the decisions conform to law and if there is already a direction from the Director of Local Bodies that the expenditure for such training would have to be reimbursed by the Municipal Council, they have to arrange the finance in such a way that appropriate budgeting is done and a person is sent for training only if he had the necessary wherewithal for such an expenditure. An unanimous decision to keep the matter pending is not a method of disposal of an agenda item that could find off the claim for all times to come. The Municipal Council is mandated through this order to provide for appropriate reimbursement of the expenditure for the entire expenses which the petitioner has incurred and for which bills have been submitted. The decision shall be taken and the amount shall be released to the petitioner within a period of 6 weeks from the date of receipt of certified copy of this order.

3. The writ petition is allowed with cost against the 4<sup>th</sup> respondent assessed at Rs.5,000/-.

**(K.KANNAN)  
JUDGE**

05.03.2012  
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