

Serial No. 108
Supplementary list

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C)No. 422/2025

ST. Joseph Hospital through its ... Petitioner(s)
Administrator and Ors.

Through: Mr. Arif Sikandar Mir, Advocate

Vs.

Union Territory of J&K (Health and ...Respondent(s)
Medical Education) and Ors.

Through: Mr. Alla ud Din Ganaie, AAG.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

28.02.2025

Oral:

01. Heard learned counsel for the petitioners at length and considered his submissions.
02. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioners, who are the Proprietors/Administrators of different Empanelled Private Hospitals/Diagnostic Centers/Dialysis Centers, seek appropriate directions upon the respondents for extension of National Health Packages mentioned in the Office Memorandum dated 6th April, 2022/AB-PMJAY Health Benefit Package Master 2022 in the Union Territory of Jammu and Kashmir and the consequent amendment in the

“request for proposal” for selection of Insurance Company in connection with the implementation of Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana and Ayushman Bharat PMJAY-SEHAT in the Union Territory. The direction upon the respondents has also been sought for inclusion of the surgical procedures, namely, (i) Appendectomy (ii) Cholecystectomy (iii) Hemorrhoidectomy (iv) Fissure in ANO, in the request for proposal for selection of Insurance Company through Empanelled Health Care providers which include the petitioners.

03. It is submitted by learned counsel for the petitioners that the Government of India has launched Ayushman Bharat Pradhan Mantri Jan Arogya Yojna Scheme in September, 2018, which is a flagship programme of the Government and provides insurance cover up to Rs. 5.00 lacs per family per year for secondary and tertiary care hospitalization to over 10.74 Crore entitled beneficiary families. Learned counsel submitted that the Government of Jammu and Kashmir has also launched Ayushman Bharat Pradhan Mantri Jan Arogya Yojna-SEHAT (AB-PMJAY-SEHAT) to provide free of cost universal health coverage to all its residents including the serving and retired employees and their families and the scheme is intended to provide same benefits as those available under Aushman Bharat Pradhan Mantri Jan Arogya Yojna Scheme, a Government of India Scheme, which provides annual health insurance cover of Rs. 5.00 lacs per family on a floater and cashless basis through an established network of Health Care Providers. Learned counsel further submitted that pertinently the scheme came to be introduced by the Government with the object to reduce catastrophic health expenditure and to improve access to quality health care to the domiciles of Union Territory of Jammu and Kashmir.

04. It is submitted by learned counsel for the petitioners that petitioner Hospitals/Nursing Homes/Clinics have been empanelled under Ayushman Bharat Pradhan Mantri Jan Arogya Yojana and the “ request for proposal” further mentions that four procedures, namely, (i) Appendectomy (ii) Cholecystectomy (iii) Hemorrhoidectomy (iv) Fissure in ANO, will be the reservation packages for Public Hospitals only. Learned counsel further submitted that the official respondents have decided to implement the Schedule of HBP 2.2. issued by NHA in the UT of Jammu and Kashmir, however, Ministry of Health and Family Welfare (National Health Authority) has issued an office Memorandum dated 6th April, 2022 and the said HBP has been named as HBP 2022.

05. Learned counsel submitted that on the bare perusal of the Office Memorandum dated 6th April, 2022, the revised package master of AB-PMJAY HBP 2022 attached to the said Office Memorandum as Annexure-1, also known as National Package, has to be included by all the States in order to provide health care facilities to the citizens through Empanelled Health Care Providers. The government of Jammu Kashmir through its State Health Agency has issued a “Request for Proposal” for selection of Insurance Company for implementation of Ayushman Bharat Pradhan Mantri Jan Arogya Yojna and Ayushman Bharat Pradhan Mantri Jan Arogya Yojna-SEHAT in the UT of Jammu and Kashmir based on HBP 2.2. (November, 2021) Scheme/Schedule, which has become redundant as on date due to the issuance of AB-PMJAY Health Benefit Package Master 2022 and this scheme of 2022 has to be implemented in the UT of Jammu and Kashmir, as per Clause 5 of Office Memorandum dated 6th April, 2022/AB-PMJAY Health Benefit Package Master 2022. The scheme of 2021 will affect health care benefits to the domiciles of UT of Jammu and Kashmir and will also

cause huge financial losses to the empanelled hospitals which include the petitioners.

06. Upon taking up this case for hearing, Mr. Alla-ud-Din Ganaie, learned AAG, was requested to appear in this case. He, accordingly, appeared and accepted notice on behalf of the respondents.
07. Having regard to the nature of the grievance projected through the instant petition, the matter can be disposed of even at this stage by passing of appropriate direction which are not likely to prejudice the interests of the respondents.
08. Accordingly, the instant petition is disposed of at this threshold stage with the direction to the respondents to consider the extension of National Health Package mentioned in the Office Memorandum dated 6th April, 2022/AB-PMJAY Health Benefit Package Master 2022 in the Union Territory of Jammu and Kashmir and, accordingly, consider the amendment to the request for, “proposal for selection of Insurance Company” for implementation of Ayushman Bharat Pradhan Mantri Jan Arogya Yojna and Ayushman Bharat Pradhan Mantri Jan Arogya Yojna-SEHAT in the UT of Jammu and Kashmir, so that the domiciles of the UT of J&K are in a position to equally avail the benefits of the flagship scheme at par with the other citizens of the country. The respondents are also directed to consider the inclusion of the surgical procedures, namely, (i) Appendectomy (ii) Cholecystectomy (iii) Hemorrhoidectomy (iv) Fissure in ANO, as per the Office Memorandum dated 6th April, 2022, in the request for proposal for selection of Insurance Company for implementation of AB-PMJAY and AB-PMJAY-SEHAT in the Union Territory of Kashmir through empanelled petitioners, as the same constitute the most common surgical procedures

needed by common citizens living below poverty line who are not in a position to avail said services properly in the public hospitals.

09. It is expected that respondents may have the consideration strictly as per the governing Yojana/Scheme before the award of contract to the selected Insurance Company(s)'.

10. **Disposed** of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:

28.02.2025

"Shamim Dar"