

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-22619 of 2011(O&M)
Date of decision : 23.07.2015

Er. M. L. Mittal

...Petitioner

V/S

Punjab State Transmission Corporation Ltd. and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P. C. Arora, Advocate for the petitioner

Mr. Vikas Chatrath, Advocate
for the respondent Nos.1 and 2

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This civil writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of directions to the respondents to make remaining payment in respect of medical reimbursement bill amounting to Rs.96,109/- (Annexure P-1) and for reviewing the sanction of Rs.22,638/-, issued vide letter dated 28.06.2011, towards the reimbursement for the treatment of petitioner.

It is contended that the petitioner got voluntary retirement on 30.11.2000 as Sr. Executive Engineer Civil in the Erstwhile Punjab State Electricity Board (now corporate body under the State Govt.).

The petitioner had been suffering from disease of Ear discharge and central perforation and got admitted in Indraparastha Apollo Hospitals

Delhi for treatment as indoor patient during the period from 18.02.2011 to 20.02.2011 and incurred expenditure amounting to Rs.96,109/- (Annexure P-1). Thereafter, the petitioner submitted the medical bills amounting to Rs.96,109/- to the respondent No.2 for reimbursement which was forwarded to respondent No.3 and as per the Govt. instructions issued vide letters dated 23.12.1997(Annexure P-5), dated 01.09.2000 (Annexure P-6), dated 01.03.2005 (Annexure P-7) and dated 24.06.2010 (Annexure P-8), the respondent No.3 vide sanction letter dated 28.06.2011 (Annexure P-4) had sanctioned a sum of Rs.22,638/- only instead of Rs.96,109/- towards the medical reimbursement. However, the respondents did not indicate which treatment charges are in admissible to him and as such have been deducted while issuing the sanction.

Learned counsel for the petitioner relies upon the judgment titled as **Waryam Singh Vs. State of Punjab** passed in CWP No.16570 of 1995, decided on 12.04.1996.

On the other hand, the learned counsel for the respondent Nos.1 and 2 submits that an amount of Rs.22,638/- had been sanctioned in terms of the rates calculated in AIIMS/PGI as per the circular dated 13.02.1995. In view of the instructions dated 13.02.1995, Government employees and pensioners have been given right to get treatment from any private institute/hospital (of their own choice), in the country, provided that he/she gives an undertaking out of his/her free will and in

unambiguous terms that he/she will accept reimbursement of expenses incurred by him/her on his/her treatment to the level of expenditure as per rates fixed by the Director, Health and Family Welfare, Punjab for a similar treatment package or actual expenditure whichever is less. The rate of a particular treatment would be included in the advice issued by the District/State Medical Board. A committee of technical experts shall be constituted by the Director Health and Family Welfare Punjab to finalize the rates of various treatment packages and the same rate list shall be made available in the offices of the Civil Surgeons of the State. However, this permission would be granted by the Director, Health and Family Welfare, Punjab on the advice of State Medical Board in case of the treatment in the private hospitals outside the State and the District Medical Board in case of the treatment in private hospitals within the State. But reimbursement will be made at AIIMS New Delhi/Govt. rates.

Learned counsel for the respondent Nos.1 and 2 relies upon judgment titled as **Harnam Singh Vs. State of Punjab and others**, passed in CWP No.18089 of 2005, decided on 18.10.2006, **M. S. Yadav Vs. HVPN and others**, passed in CWP No.401 of 2007, decided on 19.09.2008 and **Amina Kundu (Smt.) Vs. State of Haryana**, passed in CWP No.11047 of 2000, decided on 15.02.2001.

I have heard the rival contentions of the learned counsel for the parties and carefully perused the record.

As per the instructions dated 13.02.1995, Government employees and pensioners have been given right to get treatment from any private institute/hospital (of their own choice), in the country, provided that he/she gives an undertaking out of his/her free will and in unambiguous terms that he/she will accept reimbursement of expenses incurred by him/her on his/her treatment to the level of expenditure as per rates fixed by the Director, Health and Family Welfare, Punjab for a similar treatment package or actual expenditure whichever is less. The petitioner/his members of the family could have easily obtained the prior permission before availing medical facility at Indraprastha Apollo Hospitals, Delhi but they did not apply for the said permission. The learned counsel for the petitioner is unable to explain the compelling circumstances for getting himself treated at the Indraprastha Apollo Hospitals, Delhi. In the instruction dated 13.02.1995, it is clearly stated that the reimbursement will be made at AIIMS New Delhi/Govt. rates, which has already been made.

No other argument is raised.

This Court finds no merit in the present petition.

Dismissed.

23.07.2015

ashok

(JITENDRA CHAUHAN)
JUDGE