

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 18498-2014
Date of Decision: 18.08.2015

PHOOL KUMAR

....Petitioner.

VERSUS

STATE OF HARYANA & ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Surender Deswal, Advocate,
for the petitioner.

Mr. Ashok Chaudhary, Addl.A.G., Haryana.

P.B BAJANTHRI, J. (Oral)

Challenge in the instant writ petition is to the order dated 18.07.2014 at Annexure P-1, vide which the reimbursement claim of medial bill was returned without granting any medical claim.

The petitioner is stated to have undergone neurosurgery at BLK Super Speciality Hospital, New Delhi, which is not one of the Government of Haryana approved hospitals for the medical reimbursement. When the papers were moved for medical reimbursement, it seems that the Civil Surgeon, Karnal certified vide Annexure P-9, dated 19.05.2014 that the petitioner's case would not fall under an emergency. It is learnt that the said Civil Surgeon is not a specialist in Neurosurgery. Therefore, giving the findings whether the petitioner's case was an emergency or not is without authority.

The petitioner is stated to have approached the AIIMS, New Delhi to get operated in respect of Neurosurgery on 26.09.2013. It was stated that long waiting list and patient may get operated from any CGHS approved

facility hospital.

In view of these factual aspects, to find out whether the petitioner's neurosurgery was an emergency or not, concerned specialist is required to determine. Therefore, the respondents are directed to send the necessary records to a specialist in PGIMER, Rohtak and get a certificate whether the case of the petitioner is an emergency or not. If the specialist gives a finding that it is an emergency surgery, then the respondents are directed to reimburse the medical bills within a period of 2 months from the date of receipt of certificate from the concerned specialist. Even if the opinion of the specialist is against the petitioner, still grievance of the petitioner is to considered as a special case in view of the statement of AIIMS, New Delhi “that long waiting list and patient may get operated from any CGHS approved facility hospital.”

The writ petition stands disposed of, accordingly.

18.08.2015
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(P.B BAJANTHRI)
JUDGE