

operated. After the petitioner's son had taken the medicines, as prescribed, he, on 17.11.2013, was again admitted to the aforesaid hospital for undergoing operation, which was conducted upon him on 27.11.2013. After the operation, he was discharged on 30.11.2013.

The expenses incurred by him on medication in respect of follow-up treatment of his son between 29.06.2013 and 17.11.2013 are being claimed through the present petition.

Counsel for the petitioner has relied upon a Division Bench judgment of this Court in **P. C. Gupta vs. Punjab State Electricity Board, Patiala and others – 1999 (4) RSJ 233**, wherein, following an earlier Division Bench judgment of this Court in **C. W. P. No. 15938 of 1998 – Jagsir Singh Sandhu vs. Punjab State Electricity Board, Patiala and others**, decided on **01.02.1998**, it was held as under :-

“5. A similar argument, as raised in the present case that after the aforesaid Circular the employee is not entitled to medical reimbursement for out-door treatment but would only get Rs. 250/- per month as fixed medical allowance, was repelled by a Division Bench of this Court while deciding Civil Writ Petition No. 15938 of 1998 (Jagsir Singh Sandhu v. Punjab State Electricity Board, Patiala, and others), on 1.2.1998 wherein it was held as under :-

””One the disease is the same and

the treatment is also the same, the mere fact that the petitioner is now getting treatment as an out-door patient would not make any difference. The matter herein is also covered by a judgment of this Court in Civil Writ Petition No. 1910 of 1998 Ravi Kant v. State of Haryana and others, decided by us on July 8, 1998 vide judgment, Annexure P-5. During the course of arguments, learned counsel for the respondents had to concede that the petitioner is entitled to medical reimbursement."

6. *The learned counsel for the respondent-Board could not distinguish on facts or law the present case and could not convince us as to why the ratio of Jagsir Singh's case (supra) be not applied to this case. Apart from that, we are of the view that the aforesaid Circular dated 30.4.1998, apart from being prospective in nature, cannot apply to a patient who might have had in-door treatment which is to be followed by out-door treatment after being discharged as follow up check-ups and medicines. As in the present case, the petitioner underwent a kidney transplantation as an in-door patient. After being*

discharged as an in-door patient, follow up medical treatment/check-up has necessarily to follow as an out-door patient. Would it mean that such a patient is not entitled to medical reimbursement towards his treatment as an out-door patient? According to us, the answer has to be in the negative. As discussed above, an in-door patient after being discharged normally has to get treatment as an out-door patient as a follow up action of his in-door treatment. The department has to reimburse an employee regarding expenses on his treatment which started as an in-door patient. It is not denied that as an in-door patient, the employee is entitled to entire reimbursement. Consequently, we hold that the Circular relied upon by the respondents shall not be applicable to the petitioner, who after getting in-door treatment, started getting out-door treatment as a follow up treatment.”

To the same effect is another judgment of this Court in **Er. K. C. Verma vs. The Punjab State Electricity Board – 2008 (4) RSJ 173**, wherein, following **P. C. Gupta's** case (*supra*) and **Jagsir Singh Sandhu's** case (*supra*), this Court has held as under :-

“12. *As would be evident from a perusal*

of the observations made by a Division Bench of this Court in Jagsir Singh Sandhu's case and also P. C. Gupta's case (Supra), an employee entitled to medical reimbursement as an in-door patient cannot be denied the reimbursement of the charges incurred by him as an out-door patient if the out door treatment is a compulsive follow up of the in-door treatment.”

Similar view has been taken by this Court in a recent judgment in **J. S. Garg vs. State of Haryana and others – C. W. P. No. 4458 of 2012**, decided on **08.08.2013**, wherein it has been held as under :-

“Resultantly, in view of the decision of this Court in K. C. Verma's case (supra) this petition is allowed and the letters dated 29.11.2011 and 20.9.2011 (Annexures P-2 and P-3 respectively) are quashed. The respondents are directed to reimburse to the petitioner the medical expenses incurred by him on the follow up treatment of his wife in continuation of indoor treatment.”

The afore-quoted judgments of this Court, thus, settle the law to the effect that medical expenses incurred on the follow-up treatment in continuation of indoor treatment, as in the present case, are required to be reimbursed.

No judgment to the contrary has been cited by the counsel for State of Haryana.

In view of the aforesaid facts and the settled position of law, as discussed above, the present petition is allowed. The respondents are directed to reimburse the expenses incurred by the petitioner on his son's follow-up treatment between 29.06.2013 and 17.11.2013.

No costs.

(DEEPAK SIBAL)
JUDGE

December 07, 2015
monika