

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-7358-2003 (O&M)  
Date of decision: 04.10.2016

**Bal Kishan Gupta**

**.....Petitioner**

**versus**

**The State of Haryana and others**

**.....Respondents**

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Ms.Neeti Gupta, Advocate for the petitioner  
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J. (Oral)**

Petitioner was working as Assistant Superintendent in the Sub Division Officer (Civil), Karnal. On 8.11.2001, he went to New Delhi to meet his close relations. He suffered a heart attack on 9.11.2001 and was removed to Escorts Heart Institute and Research Centre, New Delhi, where on 10.11.2001, he underwent by-pass surgery and was ultimately discharged on 21.11.2001. The said Escorts Hospital is on the approved list of the Government of Haryana for such treatment. Petitioner raised a bill Annexure P1 for Rs.one lac. However, out of the said bill, only Rs.59,545/- were paid. The petitioner claims that the payment is not in accordance with the Rules.

In the reply, the respondents have taken a stand that bill of the Escorts Heart Institute and Research Centre, New Delhi was for Rs.2,22,975/-, out of which Rs.1,22,975/- was given subsidy and payment of Rs.one lac was made by the petitioner. Therefore, while making the

calculations, the total amount of the bill was taken from which cost of the AIIMS is Rs.91697/- was deducted and from the balance of Rs.123968/-, 75% of the excess was taken to be Rs.90,823/- and the cost of the AIIMS and 75% excess was calculated to Rs.1,82,520/-. From the said amount, discount of Rs.1,22,975/- was deducted and the balance was calculated at Rs.59,545/- which was reimbursed.

After hearing counsel for both the parties, I am of the view that the calculations made by the respondents in Annexure R2 is factually incorrect. The calculation method as per convenience of the respondents have been applied. Whatever, may be the discount, the fact remains that the petitioner had paid Rs.one lac after claiming subsidy from the said Escorts Hospital. Therefore, the actual amount of bill paid by him shall be taken the amount of the bill. Now as per Government instructions Annexure P6, the petitioner was to be re-imbursed as per AIIMS or PGI rates, which are Rs.91,697/-. In addition to this, 75% of the excess was to be paid. Petitioner paid Rs.one lac and the excess amount comes to Rs.8303/- and 75% of the same comes to Rs.6227.25 rounded off to Rs.6227/- total amount payable comes to Rs.91697/- plus Rs.6227/- i.e. Rs.97924/-. Consequently, present writ petition is allowed. Respondents are directed to pay the balance amount of Rs.38,375/- to the petitioner along with interest @ 9% per annum from the date the wrong re-imbursement was made till payment. Payment be made within three months from the date of receipt of a certified copy of this order.

**04.10.2016***gk***(Kuldip Singh)****Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

Yes