

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3416-1997 (O&M)
Date of decision: 03.11.2016

O.P.Vidhani and another

.....Petitioners

versus

Haryana State Electricity Board

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.S.Bains, Advocate for the petitioners
Mr.Pravindra Singh Chauhan, Addl.A.G. Haryana for
UHBVNL

- 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 O.P. Vidhani, a retired Executive Engineer from Haryana State Electricity Board, along with his wife Shashi Vidhani met with an accident on 31.12.1994. A DDR No.21 on 1.1.1995 was accordingly registered at PS Lambi in Punjab by ASI Sarbjit Singh. Both the petitioners were in unconscious state and removed to Civil Hospital, Sirsa. They both suffered fractures in their legs. Petitioner no.1 O.P.Vidhani suffered 5 injuries as per MLR recorded by Government Hospital Sirsa. Petitioner no.2 i.e. Smt.Shashi Vidhani suffered 2 fractures in her left leg. It was found by the doctors of Civil Hospital, Sirsa that the petitioner no.1 has four fractures in his right leg and his wife has 2 fractures in her left leg. The doctors at Civil Hospital, Sirsa started the treatment but as the condition deteriorated, the petitioners were referred to PGI Rohtak or AIIMS New Delhi. The petitioners first went to PGI Rohtak and were advised to go to AIIMS New

Delhi. Petitioners were rushed to AIIMS New Delhi on 5.1.1995. Due to heavy rush in AIIMS, New Delhi, there was no hope for early surgery of the legs. As their condition was deteriorating and delay could cause permanent damage, both the petitioners were removed to Shri Ganga Ram Hospital at Delhi, where they were admitted on 5.1.1995 and discharged on 21.1.1995. In Shri Ganga Ram Hospital at Delhi, petitioner no.1 incurred expenses on his treatment amounting to Rs.71,743/- and petitioner no.2 incurred expenses of Rs.37,919/-, the total of which comes to Rs.1,09,762/- apart from the medicines purchased by the petitioners and the subsequent treatment as out door patient. The medical bills were submitted to the respondent on 24.2.1995 and same were ultimately declined.

In the reply, the respondents had taken a stand that the petitioners have not produced the OPD slips of the AIIMS, New Delhi to mention that there was no proper treatment/ accommodation available in that hospital. It was further stated that Shri Ganga Ram Hospital at Delhi is not on the panel of the Board. Therefore, no reimbursement for the same could be made.

I have heard learned counsel for the parties and have carefully gone through the file.

It comes out that during pendency of the petition, the matter was taken up on 4.9.1995 by Permanent Lok Adalat of this Court and the respondents had agreed to reimburse the medical bills but the petitioners had claimed the interest on the same, which was not acceptable to the respondents. This is how, the controversy continued.

I am of the view that in the present case, admittedly, the petitioner no.1 suffered four fractures and his wife suffered two fractures.

The Civil Hospital at Sirsa could not treat the petitioners and they were referred to PGI Rohtak or AIIMS New Delhi. It is not a denying fact that at AIIMS New Delhi, there is always a great rush and there is long que for effecting surgeries. Since, the petitioners, who were in their advanced age, required immediate treatment, therefore, in their wisdom, they decided to approach a private hospital i.e. Shri Ganga Ram Hospital at Delhi, where the surgeries were immediately conducted.

In these circumstances, even if the petitioners forget to get OPD slips or the certificate to the effect that there was no treatment or overcrowding in AIIMS New Delhi, their act of getting treatment from Shri Ganga Ram Hospital at Delhi, can be called treatment in emergency and the medical bills for the same have to be reimbursed. The respondents should have taken a conscious decision after considering the facts and circumstances immediately when the bills were submitted way back on 24.2.1995. The matter was delayed due to the fault of the respondent. Therefore, it is held that in addition to reimbursement of medical bills, the petitioners are also entitled to interest on the same.

Consequently, the present petition is allowed. A writ of mandamus is issued and the respondents are directed to reimburse the medical bills of the petitioners amounting to Rs.Rs.1,09,762/- alongwith interest @ 9% per annum starting three months from 24.2.1995 till actual payment.

03.11.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

Yes