

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5011 of 1998

Date of decision : November 23, 2016

K.K. Sharma

..... Petitioner

Versus

Managing Director, H.F.C. Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harinder Kumar Aurora, Advocate
for the petitioner

Mr. Anshul Gupta, AAG Punjab

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The petitioner has retired as an Assistant General Manager from Haryana Financial Corporation, Chandigarh. His wife was suffering from Coronary Artery Disease and unstable Angina for the last so many years and she was getting treatment from PGI, Chandigarh. She was admitted in the PGI, Chandigarh Emergency ward on 27.7.1993 and remained in I.C.U. and was discharged on 11.8.1993. On 12.8.1993 at about 7.00 a.m. she again had a serious attack of unstable angina and taken to PGI Emergency ward. She was discharged from the Emergency Ward in the afternoon of the same day. On 13.8.1993, she was taken to Escorts Heart Institute and Research Centre for Bypass surgery. She was admitted in the Emergency Ward of the Escorts Heart Institute on 13.8.1993 but on account

of non-availability of bed the doctor attending the wife of the petitioner advised him to keep her in the Holy Family Hospital. The wife of the petitioner was kept in the Holy Hospital from 13.8.1993 till 19.8.1993 and when the bed was available in the Escorts Hospital, she was again brought to the Escorts Heart Institute on 19.8.1993 where Bypass grafting was done on 31.8.1993 and she was discharged on 24.10.1993. The petitioner raised the bills to the tune of Rs. 10,680/- and Rs. 1,92,667.83 respectively on account of the admission and treatment of her wife from the Holy Family Hospital and from the Escorts Heart Institute.

The petitioner during the period of operation of her wife, developed some pain in his chest and got himself tested from the same Institute and incurred a sum of Rs. 10,065/- on account of his own check-up and various test. The petitioner also incurred a total sum of Rs. 4320/- on account of railway fare. He submitted the total bills amounting to Rs. 2,17,732/-, out of which only a sum of Rs. 1,30,050/- has been reimbursed.

From the reply, it comes out that it was not denied that there was no bed available in the Escorts Heart Institute and wife of the petitioner was referred to Holy Family Hospital. It comes out that out of the medical bills of his wife amounting to Rs. 1,92,668/-, a sum of Rs. 1,30,050/- has been reimbursed. For the treatment of the petitioner himself Rs. 6000/- has been reimbursed. Out of travelling expenses of Rs. 4320/-, Rs. 1100/- has been reimbursed and total sum of Rs. 1,37,150/- had been paid. However, a sum of Rs. 80,583/- has not been paid. Respondents have also taken a stand that medical bill of the petitioner was passed by the respondent Corporation as per the policy. As informed by the Director Health Services, Haryana, the Holy Family Hospital is not recognized by the Haryana Govt. and, therefore, the reimbursement is not permitted and in such case, 75% of the expenses incurred at the Escort Heart Institute which are in excess of All

India Institute of Medical Sciences are to be reimbursed.

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

The details given in the letter Annexure P-5 shows that the respondents had disputed the room rent charged in the Escorts Heart Institute. Escorts Heart Institute charged @ Rs. 2200/-, therefore, room rent @ Rs. 600/- (as per medical expenses reimbursable at AIIMS rate) had been allowed. I am of the view that once the policy is there that the reimbursement as per the Escorts Heart Institute is to be reimbursed and in that case as per the policy the rates are to be reimbursed as per AIIMS charges irrespective of the details, in that case excess payment is to be reimbursed @ 75%. Then in that case the respondents should not go to the final details to find out that the higher room rent was charged by Escorts Heart Institute and that same will not be reimbursed. Therefore, for the medical bills of Escorts Heart Institute the respondents shall be liable to be reimbursed the same at AIIMS rate and for the excess, 75% thereof is to be reimbursed. The same is also true about the treatment of the petitioner himself. So far as as the charges of Holy Family Hospital are concerned, wife of the petitioner was forced to stay there from 13.8.1993 to 19.8.1993 as no bed was available in the Escorts Heart Institute. She was referred by Escorts Heart Institute itself. Since wife of the petitioner was suffering from Coronary Artery Disease, therefore, bypass surgery was required to be done and she was referred by Escorts Heart Institute itself for keeping her under observation and therefore, the respondents have to pay the amount applying the same policy of reimbursement at the AIIMS rates and upto 75% of the excess amount .

In view of the above, the petition is allowed and respondents are ordered to reimburse the medical expenses of the petitioner himself and of his wife at the rates charged by AIIMS and in case of excess amount, the 75% shall be reimbursed. For the bills incurred in the Holy Family Hospital same principle shall

be applied. The balance amount be paid to the petitioner with interest @ 6% per annum within two months from the date of receipt of certified copy of this order.

(KULDIP SINGH)
JUDGE

November 23, 2016

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Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No