

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

C.W.P No. 12286 of 2012

Date of decision:- 12.04.2016

Moji Ram

...Petitioner

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tara Chand Dhanwal, Advocate, for
Mr. Y.P. Singh, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana

RITU BAHRI , J.

Petitioner has approached this Court praying for issuance of writ in the nature of mandamus for directing the respondents to reimburse the full medical claim of the petitioner submitted vide Annexure P-3 and P-6 and further grant advance payment of bill (P-12).

Petitioner is retired person and was retired as Lecturer in Political Science from the school of respondent No. 4. On 02.11.2009, he was admitted in Heart and General Hospital Jaipur in emergency with complaint of sudden onset of series of chest pain with left arm radiation. He was immediately taken for coronary angiography which revealed Triple Vessel disease. Subsequently, PTCA + D.E Stent to LAD

(Due to LAD=99% lesion) on emergency basis as a life saving measures and planned for staged PTCA to LCX & RCA. His condition was critical and life threatening. He was discharged on 04.11.2009 (P-1 and P-2), He incurred Rs.2,05,527.28 on his indoor treatment (P-3).

On 13.11.2009, he was again admitted in Department of Cadiology, Fortis Hospital, Jaipur with complaint of bleeding per rectum. He was treated and was discharged on 17.11.2009 (P-4). A certificate dated 17.11.2009 was issued by the Head of Department of Cardiology, Fortis Escorts Hospital, Jaipur that the petitioner had myocardial infarction and was treated in another hospital. He was admitted on 13.11.2009 with severe malena as an emergency and was admitted and treated. His hemoglobin was only 5 gm at the time of admission (P-5).

The petitioner incurred Rs.26331/- on his treatment at Fortis Escorts Hospital, Jaipur on his indoor treatment (P-6). On 29.12.2009, the petitioner submitted his bills amounting to Rs.2,05,527.28 and Rs.26331/- for medical reimbursement on prescribed forms along with relevant documents, which were sent to respondent No. 2 through respondent No. 4 through proper channel to respondent No. 3, who further sent to the above said bills to respondent No. 2 on 23.02.2010.

On 04.05.2010, two objections were raised by respondent No. 2 and sent the case back to respondent No. 3. The objections reads as under:-

- “(i) Essential certificate has not been countersinged by Medical Supdt.
(ii) Emergency has not been certified by Civil Surgeon.”*

Thereafter, vide letter dated 01.06.2010, Civil Surgeon Bhiwani informed to respondent No. 3 that the condition of the petitioner was serious and the treatment has been done in emergency (P-8). Thereafter, Medical Supdt of Heart and General Hospital and Fortis Hospital, Jaipur also counter signed the medical reimbursement claim of the petitioner, vide letter dated 09.06.2010 (P-9). Thereafter, vide letter dated 17.06.2010 respondent No. 3 again sent the case of the petitioner to respondent No. 2 after removing the objections (P-10). A legal notice was also given by the petitioner for release of his amount for medical reimbursement and advance payment of Bypass surgery (P-11). However, respondent No. 3 sanctioned amount of Rs.8741/- in place of bill of Rs.26331/-for treatment in Fortis Escorts Hospital, Jaipur and Rs.1,14,023/- in place of bill amounting to Rs.2,05,527/- and Rs.90,000/- was sanctioned as advance payment for bypass surgery. Hence the present writ petition.

On notice, a written statement has been filed on behalf of respondent Nos. 1 to 4 stating therein that as per Government instructions, if any person got his treatment from hospital which are not recognized by the Government for medical purpose, then he will

entitled to get the amount as per PGI/AIIMS rate. Thus, the petitioner has rightly been held entitled for reimbursement of Rs.1,14,023/-, vide order dated 21.03.2012. As far his claim regarding sanctioning of bill amounting to Rs.26,331/-, the petitioner had claimed this bill including out door bills, for which he was not entitled. Thus, he was rightly sanctioned an amount of Rs.8741/-, vide order dated 24.01.2012. With regard to the fact that the petitioner had applied advance sanction amounting to Rs.2,75,000/-, it has been stated that as per Government instruction, only 75% of the amount i.e Rs.2,06,250/- could be sanctioned against the proposed expenditure, which has been sanctioned vide sanction dated 21.03.2012 (R-1). After taking the advance, the petitioner had submitted bills of Rs.1,96,587/- and deposited excess amount of Rs.9633/- but when the above bill was worked out as per PGI/AIIMS rates, it was found that he is entitled only for Rs.1,75,212/-. Thus, an amount of Rs.21,375/- outstanding towards the petitioner was recovered from him.

Petitioner is seeking benefit of instructions dated 30.11.1993 which reads as under:-

“ The Commissioner and Secretary of the state of Haryana, Health Department, by a circular dated 30.11.1993 directed as under :

"I have been directed to invite your attention to the Haryana Government letter No.2/296/86-H.R.II-III dated 19.11.1985 (sic 1986) and to say that the decision for granting recognition to Nivedic Prosyek Centre Daulat Singh Zirakpur (Punjab) Batra Hospital New Delhi for

GAURAV ARORA
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I attest to the accuracy and
integrity of this document

taking special treatment to serving Haryana Govt. officers/officials/pensioners/family pensioners and members of their family and dependants subject to the condition that the conditions that the officers/officials/pensioners who would undergo for treatment in those approved institutions will get reimbursement at the rates of All India Institute of Medical Sciences (AIIMS) New Delhi/PGI. The 75% of the excess expenditure in comparative to AIIMS will also be re-imbursed and the rest of 25% will be borne by the claimant himself. If a Patient avails extra comfort as single room instead of double occupy room facilities, as such the whole expenditure will be borne by the claimant himself.

2. This has the concurrence of the finance department vide their memo No.56/80A/86-6 Fin. Deptt. TT/229-1532-2297 dated 13.10.93.

3. This order will come into force from the date of issue."

The bills submitted by the petitioner has rightly been calculated by the respondents in view of the above said policy and thus, the writ petition filed by the petitioner deserves to be dismissed. No replication has been filed by the petitioner to controvert the calculations made by the respondents.

The writ petition is dismissed accordingly.

(RITU BAHRI)
JUDGE

12.04.2016

G Arora