

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

CWP No.14369 of 2014

Date of decision: January 07, 2016

Mohini Devi

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Puneet Pali, Advocate,
for the petitioner.

Mr. P.S. Poonia, Advocate,
for respondent Nos.1 to 3.

RITU BAHRI, J.

The petitioner is seeking a writ in the nature of certiorari for quashing of order dated 04.04.2013 (Annexure P-2), whereby medical reimbursement bills of Krishan Lal, JE (Retd.), husband of petitioner, have been rejected. Further, a direction is being sought to the respondents to reimburse all the medical bills amounting to Rs.5,13,765/-.

Mohini Devi-petitioner is widow of late Krishan Lal, retired JE of Uttar Haryana Bijli Vitran Nigam Ltd. He (Krishan Lal) was admitted in Grecian Super Specialty Hospital, Sector 69, SAS Nagar, Mohali w.e.f. 06.03.2012 to 14.03.2012. Bill amounting to Rs.29,310/- for the said treatment, was disbursed by the respondents. Subsequently, he was again admitted in the same hospital and after taking treatment, he died on 27.05.2012. The medical reimbursement bills amounting to Rs.5,13,765/- in respect of treatment of Krishan Lal, were forwarded by the Administrative

Officer, office of Chief Engineer, OP, UHBVN, Panchkula to the General Manager, Administration/HR-1,UHBVN, Panchkula vide letter dated 01.02.2013 (Annexure P-1). However, the claim of the petitioner has been turned down vide order/letter dated 04.04.2013 (Annexure P-2).

The petitioner has placed on record a list (Annexure P-4) of hospitals approved by the Haryana Power Utilities, which is as under:-

Sr. No.		Name of Hospital	Date of approval	Reimbursement Admissibility	Name of Company which recognized the hospital
A	1	M.M. Institute of Medical Sciences & Research, Mullana, Ambala	HVPNL-07.06.2011 HPGCL-03.06.2011 UHBVN 18.05.2011	PGI+75% of Remaining amount	All HPU
Xx	X	Xxxxxxx	Xxxx	Xx	Xx
C	2	PGI, Chandigarh	Govt. Hospitals	Full Reimbursement	All HPU
	3	Saket Hospital, Chandimandir	26.05.1976	PGI/AIIMS+75%	All HPU
	4	Mukut Hospital, Sector-34, Chandigarh (only for cardiac & Cardio Vascular Diseases and also approved for all multi specialties on dated 12.04.2007)	06.04.2007 & 12.04.2007	PGI/AIIMS	UH+HVPNL
	5	Superb MRI & CT Scan Center, SCO No.24-25, Sector 8-C, Chandigarh	21.04.2004	PGI/AIIMS	HVPNL+HP GCL+UHBV NL
G	30	Kalyani Hospital, Gurgaon	14.11.2004	PGI/AIIMS	HVPNL

While declining to reimburse the bills vide Annexure P-2, it has been observed that treatment is available in the approved hospitals as per instructions.

In their written statement, the respondents have admitted that they have reimbursed the first bill of Rs.29,310/-. However, reimbursement of subsequent bills has only been declined as the hospital was not approved.

Mr. Poonia, learned counsel for respondent Nos. 1 to 3, has argued that the first bill amounting to Rs.29,310/- was reimbursed as necessary permission for getting treatment from this hospital had been granted.

In March, 2012 the first bill was reimbursed and thereafter, the patient had died on 27.05.2012. The first bill was approved keeping in view that the patient was in emergent situation. Even though, the treatment had been taken from an un-approved hospital, the respondents had proceeded to reimburse the first bill. Patient-Krishan Lal was suffering from Pancreatic Cancer and was being treated at Grecian Super Specialty Hospital, Mohali since February, 2012. Keeping in view that he died on 27.05.2012, a presumption can rightly be drawn that he was in a precarious emergent condition for treatment. After reimbursement of initial bill amounting to Rs.29,310/-, the emergent condition did not alter. Treatment of Krishan Lal continued till he died on 27.05.2012 and the only ground for rejection of reimbursement of subsequent medical bills was that the said hospital was not in the approved list of hospitals (Annexure P-4).

The Hon'ble Supreme Court in **Suman Rakheja Vs. State of Haryana and another**, 2004 (13) SCC 562, was considering a claim for medical reimbursement of deceased Government servant's wife. Her husband had to be rushed to the private hospital as he had developed a paralytic stroke. It was a case of emergent condition. The appellant was held entitled for 100% medical expenses incurred at AIIMS rates and 75% of expenditure in excess thereto. It was further observed as under:-

“4. Counsel for the appellant submitted that in similar case (Annexure P-4) i.e. by the Order of the High Court of Punjab and Haryana in **C.W.P. No.588 of 1998, titled Sant Prakash v. The State of Haryana**, wherein in an

emergency case the patient had to be immediately admitted in hospital, the relief has been granted. In the present case also the appellant's husband had to be rushed to the private hospital because he had developed a paralytic stroke on the left side of the body, as there was blood clotting on the right side of the brain and therefore, was admitted in an emergency condition in the hospital. In the present case the discharge certificate also shows that the case was an emergency one. In Sant Prakash case (supra) the Division Bench held that the petitioner therein would be entitled to 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

5. In the result, in this appeal also, the appellant herein would be entitled to get the refund of the amount of 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.”

A Division Bench of this Court in **Buta Ram Vs. State of Haryana and others**, 2006 (6) SLR 228, was examining the case of medical reimbursement of a cancer patient, who was taken for emergency treatment to the Government Hospital, which was not recognized by the Government of Haryana. It was held that in case of saving of human life at emergency, attendant is not expected to look into the list of approved hospitals. Ultimately, the claim was allowed.

In the present case, first bill of deceased-Krishan Lal relating to same hospital had been reimbursed by taking it to be a case of emergency being cancer patient. Once, the first bill had been reimbursed, it does not lie in the mouth of the respondents to say that the subsequent treatment for two months till the death of the patient on 27.05.2012, should have been taken from approved hospitals. Petitioner, widow of deceased Krishan Lal, has approached this Court after spending an amount of Rs.5,13,765/- on his treatment, who finally expired on 27.05.2012. These bills have not been reimbursed despite the fact that a number of judgments have been passed in favour of claimants with regard to medical reimbursement. Since first bill had already been disbursed taking the patient to be in an emergent condition, the

subsequent bills should have also been reimbursed.

In view of above, the respondents are directed to reimburse the medical bills amounting to Rs.5,13,765/- in favour of the petitioner along with interest at the rate of 9% per annum from the date of filing of this petition till realization. Apart from this, the respondents are also saddled with costs of Rs.50,000/- to be paid to the petitioner.

Allowed accordingly.

(RITU BAHRI)
JUDGE

January 07, 2016.
ajp