

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.18507 of 2014 (O&M)
Date of decision : August 02, 2016**

Charan Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surender Deswal, Advocate for the petitioner.

Mr. Gagandeep Singh Wasu, Addl. A.G., Haryana.

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)

Petitioner is a Warder in the Department of Prisons, Haryana and working at Karnal. On 21.10.2009, the wife of the petitioner suffered from severe pain in her stomach. She was, accordingly, removed to General Hospital, Kaithal. The Medical Officer, General Hospital, Kaithal referred the patient to P.G.I., Chandigarh, after finding that there is a large size of stone in her kidney and further stating that it is to be taken as a semi-emergency condition and not an emergency. The petitioner, accordingly, got his wife operated upon from A.K. Mittal Surgical Hospital, Kaithal, which raised bills of ₹17,374/-. When the bills were submitted for reimbursement before respondent No.3, the same were declined on the ground that as per Government Policy, the bills from the un-approved hospital are not reimbursed, until it is an emergency and the Civil Surgeon, Kaithal has not certified it to be a case of emergency.

Even in the written statement, the State has taken the same stand stating that the case of the petitioner is not covered under the Policy of the Government.

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

Admittedly, in this case, wife of the petitioner had a stone in her kidney. On account of severe pain, she was taken to the Civil Hospital, Kaithal, which is otherwise a Government Hospital and is apparently approved. Since, the doctors in the Civil Hospital, Kaithal, were unable to handle the patient, therefore, she was referred to P.G.I., Chandigarh, stating that it is a case of semi-emergency condition not an emergency. The petitioner instead of taking his wife to P.G.I., Chandigarh, took her to A.K. Mittal Surgical Hospital, Kaithal, where she was operated upon. When the Civil Surgeon, Kaithal was approached, he issued a letter dated 25.03.2010 (Annexure P-3), stating that it was not a case of emergency. Therefore, the emergency certificate was refused.

For the treatment in emergency cases, the Government instructions are as under:

“4. Un approved Hospitals:-

- a) The re-imburement for the treatment taken in an emergency in an un approved hospital will be allowed equal to PGI Chandigarh rates with the approval of the *[Administrative] Department. *[The verification/ recommendation of the Government in the Health Department also to be obtained.]*
- b) Head of the department in consultation with concerned Civil Surgeon is competent to certify an emergency.”*

In case of non-emergency cases, the treatment has to be from the approved hospital. Now between ordinary cases and emergency cases, there are cases of semi-emergency and the cases where, the Government Hospital is approached and if it is unable to handle the patient, stating the same to be a case of semi-emergency refers the patient to the approved institute like PGI, Chandigarh.

It is not a denying fact that the distance from Kaithal to Chandigarh, is of about 3 hours by road/taxi/ambulance. In case of kidney stone, the pain is so severe that the patient feels like dying. It is for this reason, she was removed to Civil Hospital, Kaithal at the first instance. It is clear that the Civil Hospital, Kaithal was unable to handle the patient and advised to take her to PGI, Chandigarh. Apparently, on account of severe pain, the petitioner in his wisdom decided to get local treatment. The doctor at Civil Hospital certified it to be a case of semi-emergency. Otherwise also when there is such sever pain, it will be unwise to remove the patient at a distance of 3 hours journey by car or ambulance and then wait in the PGI, Chandigarh for his/her turn for treatment. Admittedly, there is a great rush and long queue of the patients to be operated upon in PGI, Chandigarh. In these circumstances, the petitioner in his wisdom rightly decided to get her wife operated upon in the local hospital only.

I am of the view that in such cases, the cases of semi-emergency are to be distinguished from ordinary cases and word 'semi-emergency' is deemed to be included in 'emergency cases'. Therefore, the petitioner is entitled to the reimbursement of the medical bills at PGI rates.

Accordingly, the present petition is allowed.

The respondents are directed to reimburse the medical bills of the petitioner at PGI rates in one month from the date of receipt of the copy of this order.

(KULDIP SINGH)
JUDGE

August 02, 2016
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	Yes