

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

C.W.P. No. 20327 of 2015 (O&M)

Date of decision : 29.04.2016

Mangal Singh Dilawari

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. Ashwani Bakshi, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

RITU BAHRI, J. (Oral)

The petitioner is seeking to quash the order/communication dated 10.06.2014 (Annexure P-11) issued by respondent No.3, whereby his claim for reimbursement of medical bills has been rejected.

The petitioner has retired as Deputy Superintendent from the office of Deputy Commissioner, Hisar. He is residing at Ludhiana along with his wife and son. On 17.09.2012, he felt severe pain in his chest and on the next day i.e. 18.09.2012, he was taken to DMC Hospital, Ludhiana by his son. Doctors in the hospital immediately conducted necessary tests. He was admitted in the said hospital on 19.09.2012 and angiography was done on the same day. As the angiography report indicated triple vessel disease, the Doctors advised immediate surgery. Thereafter, bye pass surgery was conducted on the petitioner on 20.09.2012 and he was

discharged from the said hospital on 25.09.2012. Relevant test reports, discharge summary and other record pertaining to the treatment of petitioner are annexed as Annexure P-1 (collectively).

Parties are not in dispute that as per the policy of State of Haryana, DMC Hospital, Ludhiana is an unapproved hospital. The petitioner is claiming reimbursement of the bills being treated in an unapproved hospital equal to PGI, Chandigarh rates as per reimbursement policy/instructions dated 06.05.2005 (Annexure P-4).

The stand taken by the respondents is that the petitioner had taken his treatment from an unapproved hospital. The Civil Surgeon, vide his letter dated 05.04.2013 (Annexure R-1) stated that the petitioner was not treated in emergency. The matter was again forwarded to the Commissioner, Hisar Division, Hisar, who further forwarded the same to respondent No.1. As per final opinion of respondent No.1, the case of the petitioner was not considered as emergency by the CMO. Thereafter, the matter was again sent to Civil Surgeon, Hisar vide letter dated 13.01.2014, who again gave his opinion that case of the petitioner is not of emergency. On his request, a report was sought from the Medical Superintendent, PGIMS, Rohtak. The said report was communicated to the petitioner vide letter dated 10.06.2014. Thus, the claim of the petitioner has been rightly rejected vide order dated 10.06.2014 (Annexure P-11).

At this stage, reference can be made to the decision given by a Division Bench of this Court in **Shakuntla Vs. State of Haryana**, 2004 (1) SLR 563. In this case, husband of the petitioner had suffered a kidney failure problem and he was referred to All India Institute of Medical Sciences, New Delhi (AIIMS). On account of long waiting list for surgery

in that hospital, he was required to get early transplantation from some other hospital. Therefore, the transplantation was got done from an unapproved hospital. However, the medical bills submitted by the petitioner were not reimbursed by the State Government by taking an objection that the hospital did not fall in the list of approved hospitals. It was observed that the object of giving reimbursement was for the welfare of the family members of the employee in emergent condition. Once, an opinion was given by the doctors of AIIMS that the waiting list was too long, in emergent condition the surgery was got effected from Sir Ganga Ram Hospital. The petition was allowed and the medical bills were directed to be reimbursed.

In the present case, the petitioner after having retired from the State of Haryana, has settled along with his son and wife at Ludhiana. On 17.09.2012, he felt severe pain in his chest and was taken to DMC Hospital, Ludhiana on 18.09.2012, where after conducting the necessary tests, his bye pass surgery was conducted on 20.09.2012. Finally, he was discharged from the said hospital on 25.09.2012. The opinion given by the Civil Surgeon and the Medical Superintendent, PGIMS, Rohtak that it was not a case of emergency cannot stand in the way of the petitioner to get reimbursement of his medical bills. As the angiography report of the petitioner indicated triple vessel disease, the Doctors advised immediate surgery. The petitioner was residing in Ludhiana. It is not the case of the respondents that bye pass surgery can be conducted in Hisar from where the petitioner had retired. The reimbursement of medical bills have been rejected only on the ground that the treatment had been taken from an unapproved hospital. As per policy dated 06.05.2005 (Annexure P-4), if emergent treatment is taken from an unapproved hospital, its bills can be

reimbursed equal to PGI, Chandigarh rates. The petitioner could not be discharged from the DMC Hospital, Ludhiana, without surgery, as there was blockage in his arteries. After conducting surgery, the petitioner had been discharged from the hospital. Thus, reimbursement of his medical bills has been wrongly rejected on account of the fact that CMO and Medical Superintendent had given an opinion that it was not a case of emergency. Once, the life of the petitioner has been saved by the doctors of DMC, Hospital, Ludhiana, his medical bills should have been reimbursed by the respondents.

In view of the above, this petition is allowed and the respondents are directed to reimburse the medical bills of the petitioner as per reimbursement policy/instructions dated 06.05.2005 (Annexure P-4) at PGI, Chandigarh rates along with interest @ 9% per annum from the date of submission of medical bills, within a period of two months from the date of receipt of certified copy of this order.

29.04.2016
ajp

(RITU BAHRI)
JUDGE