

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26750-2013 (O&M)
Date of decision: 26.09.2016

Harbans Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.K.L.Dhingra, Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner, who retired as District Food and Supplies Controller on 31.8.2001, was crossing the road in the late evening on 31.7.2012, when he met with a serious accident, resulting into multiple fractures in right wrist and right shoulder bone. He was removed to Anand Orthopaedic Centre, Kurukshetra. He was semi conscious. In the said hospital, treatment was not given to him on account of irregular heart rate and he was found unfit to administer anaesthesia. Therefore, he was referred to MAX Super Specialty Hospital, New Delhi on 1.8.2012. He was admitted in MAX Super Specialty Hospital, New Delhi and there the doctors decided that the surgery will be done only if heart condition allowed. He was declared fit for surgery on 3.8.2012 and the surgery was accordingly conducted. The hospital raised a bill of Rs.1,94,614.53. Medical reimbursement of the same was refused by the government on the ground that the said hospital is not in the list of approved hospitals at that time and that the treatment was not taken in

emergency as per certificate of Civil Surgeon (Annexure R4).

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

It comes out that the petitioner was aged about 70 years when the accident took place. There were multiple fractures in right wrist and right shoulder bone. He was not given the treatment in the local hospital. When such fractures are suffered, it is always a case of emergency, as in the case of person of advanced age, if the fractures are not immediately treated, it could result in further complications and many a times, it may prove fatal, although such fractures may not be fatal in case of a young person. Therefore, I am of the view that the certificate of the Civil Surgeon that it is not treatment in emergency, cannot be sustained in the eyes of law and is set aside and it is declared to be treatment in emergency.

Now, the position is that if the treatment is taken from the hospital not approved by the government than the government is bound to reimburse at PGI rates.

In the circumstances, the present petition is allowed and the respondents are directed to allow the medical bills submitted by the petitioner at PGI rates. The necessary reimbursement be done within two months from the date of receipt of a copy of this order.

26.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes