

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

CWP No. 251 of 2014

Date of Decision: 15.11.2016

OM PARKASH

... Petitioner

V/s

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. N.S. Bhinder, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition filed under Article 226/227 of the Constitution of India for issuance of writ of certiorari for quashing of the order dated 19.09.2013 (Annexure P-8) written by respondent No. 3 wherein the reimbursement of medical bill of ₹ 44,259/- has been rejected.

The brief facts of this case are that the petitioner is retired District Attorney, Haryana. As per the case of the petitioner, he was having gall bladder stone. In the evening of 05.09.2012, when the petitioner was suffering from acute pain, he was taken to G.M. Nursing Home and Clinic, Sector 34-D, Chandigarh. In the morning of 06.09.2012, he was operated upon. Thereafter, the petitioner submitted the medical bills to the tune of ₹ 44,259/- to the respondent-department vide (Annexure P-2). It comes out that the said hospital/nursing home does not fall within the approved list of hospitals of the Government of Haryana. In such cases, the certificate from Civil Surgeon is required stating that it is a case of emergency.

CWP No. 251 of 2014

It also comes out that the Civil Surgeon, Panchkula formed a Medical Board vide which a report (*Annexure R-2*) has been submitted stating that since the patient does not qualify for the criteria of emergency surgery, therefore, he is not eligible for any medical reimbursement. Thereafter, vide letter dated 29.11.2013 (*Annexure P-9*), the medical bills were returned to the petitioner.

In the reply, respondent No. 3 has also taken the stand that the treatment was not of emergency nature and hence, the medical bill raised by the petitioner cannot be reimbursed. The reference has also been made to the instructions of Government.

I have learned counsel for the petitioner.

Admittedly, the said private hospital namely; G.M. Nursing Home and Clinic, Sector 34-D, Chandigarh is not on the approved list of hospitals of Government of Haryana. The treatment and surgery of the petitioner is not disputed by the respondents. However, the only stand of the respondents is that the treatment was not taken in emergency as per the opinion of the Medical Board of Doctors constituted by the Civil Surgeon, Panchkula, therefore, the medical bills could not be reimbursed. The examination of facts and circumstances show that apparently, this is a treatment taken in emergency. The petitioner was suffering from gall bladder stone and in case of gall bladder stone, there is acute and unbearable pain. Therefore, in his wisdom, the petitioner, who was stated to have come to his son who is a practicing Lawyer in the High Court at Chandigarh, was removed to the nearby nursing home in the evening of 05.09.2012. The fact that in the morning of 06.09.2012 i.e. on the very next day, the surgery of the petitioner was performed goes to show

CWP No. 251 of 2014

that there was an emergency. The nature of emergency should not always be viewed only from the angle of the Government but it should be viewed from the angle of the patient as well. In case of pain of gall bladder stone, one feels like dying and therefore going to the nearest hospital, although not within the approved list of hospitals by the Government, is a wise decision taken by the patient or his attendants. The circumstances of the present case show that the petitioner required immediate treatment/surgery and the same was done.

Therefore, I am of the view that the treatment/surgery of the petitioner was performed in an emergency situation notwithstanding the technical view taken by the Medical Board of Doctors. The respondents are ordered to make reimbursement to the medical bills to the tune of ₹ 44,259/- of the petitioner, as per PGIMER, Chandigarh rates.

In view of the above, the present petition is allowed.

November 15, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓		
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>/</i>	<i>No</i>
			✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>/</i>	<i>No</i>