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

RSA No.27 of 2015

Date of decision: January 07, 2016

Qimti Lal Jain

.....Appellant

Versus

Haryana Vidyut Parsaran Nigam Ltd. and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Roshan Lal Sharma, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for mandatory injunction directing the defendants to release the medical claim bills.

The case of the appellant-plaintiff, in brief, was that he had served the defendants as Sub-Divisional Officer and had voluntarily retired on 09.09.2003. In first week of August, 2006, appellant had undergone treatment at CMC Ludhiana as he had suffered acute heart problem. Thereafter, appellant was shifted to Fortis Hospital, Mohali, where he remained admitted as Indoor patient from 12.06.2006 to 19.06.2006. Appellant had spent a sum of ₹14,809.26 paisa on his treatment, but was only reimbursed ₹10,117/- by the respondents-defendants. In October 2006, Neelam Jain wife of the appellant had suffered a gynaecological problem and she took treatment from

Satguru Partap Singh Apollo Hospital, Ludhiana and remained admitted as Indoor patient from 16.10.2006 to 23.11.2006. Wife of the appellant had undergone an operation and had spent ₹36,605.28 paisa on her treatment. However, the defendants had reimbursed only ₹11,943.72 paisa. Hence, the suit was filed by the appellant-plaintiff.

The defendants in their written statement averred that the appellant had been allowed medical reimbursement as per the rates fixed by the Postgraduate Institute (PGI), Chandigarh.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to suit for mandatory injunction as prayed for?OPP.
2. Whether the suit of the plaintiff is not maintainable?OPD.
3. Relief.”

Trial Court vide judgment/decreed dated 25.04.2013 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld by the First Appellate Court vide judgment/decreed dated 05.07.2014 in an appeal filed by the appellant-plaintiff. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

In the present case, admittedly, appellant had

taken treatment from CMC Ludhiana and his wife had taken treatment from Satguru Partap Singh Apollo Hospital, Ludhiana. As per Exhibit D1, policy/instruction for reimbursement circulated by the State, CMC, Ludhiana and Satguru Partap Singh Apollo Hospital, Ludhiana were not on the approved list of Hospitals. Consequently, appellant was allowed reimbursement as per the prevalent rates in PGI, Chandigarh. It has been noticed by the First Appellate Court that during the course of arguments, the list of PGI, Chandigarh rates for reimbursement had been supplied to the counsel for the appellant and he could not point out any discrepancy in the reimbursement of the medical claim for treatment of appellant and his wife. In the facts and circumstances of the present case, the Courts below had thus, rightly dismissed the claim of the appellant.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

January 07, 2016
mahavir