

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

CWP No.10663 of 2014 (O&M)

Date of decision : April 03, 2017

Nirmla Devi Jain

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

Mr. Pardeep Poonia, Advocate for respondent Nos.2 to 4.

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)

The deceased husband of the petitioner retired as Junior Engineer from the office of Executive Engineer (Op.) Division City, DHBVN, Gurgaon, on 31.01.1992. On 15.09.2010, the husband of the petitioner suffered from acute chest pain and huge blood in the stool. In emergency, he was taken to Artemis Health Institute, Gurgaon, where he was diagnosed with carcinoma Rectum with Lung and Bone Mets and acute respiratory distress, which is a Cancerous disease. He remained admitted in the hospital from 15.09.2010 to 18.09.2010, 15.11.2010 to 19.11.2010, 07.01.2011 to 11.01.2011 and ultimately expired on 11.01.2011. The petitioner incurred a sum of Rs.2,02,507/- on the treatment of his husband. The petitioner seeks reimbursement of the medical bills.

In the short reply, respondent Nos.2 to 4 have taken the stand that the said Artemis Health Institute, Gurgaon, is not on the approved list

to 18.09.2010 amounting to ₹72,482/-, it is stated to be time barred. Regarding other bills some objections were raised. Pension of the deceased was shifted to bank by the Chief Account Officer/Pension, HVPNL Employees Pension Fund Trust, Panchkula on 06.08.2012.

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

I am of the view that in the present case, the husband of the petitioner was suffering from cancerous disease and in emergency, he was taken to Artemis Health Institute, Gurgaon. Even though, the hospital is not on the approved list of the Government, the employee could be admitted in the said hospital for treatment. Since the husband of the petitioner had to be admitted repeatedly in the said hospital, therefore, the petitioner could not submit each bill, whenever these were issued.

Accordingly, the present petition is allowed. Respondent Nos.2 to 4 are directed to reimburse the medical bills of the petitioner at PGI/AIIMS rates by ignoring the limitation part, within one month from the date of receipt of certified copy of this order. However, if the payment is not made within one month, the respondents shall also pay interest @ 9% per annum from the date of filing of the present petition till the date of payment.

(KULDIP SINGH)
JUDGE

April 03, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No