

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19609-2012 (O&M)
Date of decision: 08.02.2017

Bhan Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Shalender Mohan, Advocate for the petitioner
Mr.Keshav Gupta, AAG 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 was working as Deputy Superintendent of Police in Haryana Police, retired from service on superannuation on 30.6.2010. On 2.12.2011, he suffered a Kidney problem and was admitted to Madanta Global Health Private Limited Madanta Kidney and Urology Institute as an indoor patient. He remained under treatment from 9.12.2011 to 1.02.2012 for dialysis. After getting the donor, he again got admitted on 05.02.2012 and Kidney transplant was done on 14.2.2012. Petitioner incurred medical bills amounting to Rs.3,80,000/-, out of which, bills for Rs.2,90,000/- were sanctioned. Petitioner also undertook follow up treatment from 9.12.2011 to 14.3.2012 and bill for Rs.1,51,696/- was raised. Petitioner was earlier getting fixed medical allowance. He applied for change of option to opt for open medical reimbursement, which was allowed vide order dated 11.5.2012 (Annexure P1) wef 21.3.2012. Now, petitioner claimed the reimbursement for the outdoor treatment also.

The State in the reply has taken the stand that the petitioner was getting fixed medical allowance @ Rs.500/- per month. The government vide letter No.2/8/88-1HBIII dated 2.12.1988 had withdrawn the policy for reimbursement of medical charges of its employees/ pensioners and family pensioners for outdoor medical treatment with immediate effect. It is stated that the petitioner has submitted an application that he is a kidney patient and requested for medical examination. The matter was referred to Civil Surgeon, Hisar who vide letter dated 21.3.2012 issued chronic disease certificate to the petitioner. Thereafter, the petitioner submitted an application on 22.03.2012 for change of option to opt for open medical reimbursement of outdoor medical treatment. The change of option was allowed vide letter dated 11.5.2012 w.e.f. 21.3.2012. It is stated that as per government instructions issued vide No.2/160/89-1/HB-III dated 11.8.1992 reimbursement of the expenses of the chronic disease to Haryana Government employees/ pensioners and family pensioners and their dependents who undergone allopathic treatment as outdoor patient can be claimed only after fulfilling the terms and conditions prescribed by the Government. Therefore, it was claimed that the medical reimbursement for the outdoor treatment was rightly declined as the petitioner has not fulfilled the criteria prescribed by the State Government.

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

In the present case, admittedly, at the time of treatment as outdoor patient, petitioner was claiming fixed medical allowance. Change of option was allowed wef 21.3.2012.

Now, the question would arise whether the reimbursement of

medical bills for outdoor treatment is to be allowed in case of chronic disease?

The matter was considered by this Court in Birham Parkash vs. The State of Haryana and others, wherein while relying upon Division Bench authority of this Court in Raghuvir Prasad Mittal vs. State of Haryana and others, 2008(3) SCT 362, it was held that the medical reimbursement of bills for outdoor treatment is to be allowed for chronic disease.

In the present case, admittedly the disease of kidney is a chronic disease, even as per certificate issued by the Civil Surgeon, Hisar. Therefore, the petitioner is entitled to reimbursement of the same.

Petition is accordingly allowed. The respondents are ordered to reimburse the medical bills and release the amount without any further delay.

08.02.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No