

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 249

Civil Writ Petition No.20583 of 2015 (O & M)
Date of Decision: *December 05, 2017*

Bhagwan Sahai Rawat

..... PETITIONER

VERSUS

State of Haryana & Another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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PRESENT: - Mr. A.K. Jindal, Advocate, for the petitioner.

Mr. Ram Tilak Redhu, Deputy Advocate General,
Haryana.

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Jaspal Singh, J

1. The instant petition has been preferred by Bhagwan Sahai Rawat under Article 226/227 of the Constitution of India, seeking issuance of a writ in the nature of Mandamus, directing the respondents to reimburse his medical claim as per Government Instructions dated June 24, 2013 (Annexure P-2) by reimbursing 100% of the billed amount spent on his treatment/ procedure undergone by him at Medanta Medicity Hospital, Gurgaon as well as to modify order dated May 18, 2015 (Annexure P-7) to enhance the amount of reimbursement to the extent of 100% of billed amount as only 66% of the billed amount has been reimbursed at the rate charged by PGIMS, Chandigarh.

2. Petitioner was elected twice as Representative of Haryana Assembly from Hathin Constituency in District Palwal in the year 1987 and 2001. He is receiving pension under the Haryana Legislative Assembly (Salary, Allowances and Pension of Members) Act, 1975. He suffered from Brain Hemorrhage in the month of September, 2014 and got treatment in two medical institutes/hospitals, namely Asian Institute of Medical Sciences, Faridabad and Medanta Medicity Hospital, Gurgaon. He remained admitted in Medanta Medicity Hospital w.e.f. September 29, 2014 to January 07, 2015 and spent an amount of ₹ 32,89,000/- vide Bill dated January 07, 2015 (Annexure P-1).

3. Petitioner is entitled to medical facilities as per Haryana Legislative Assembly (Medical Facilities to Members) Act, 1986 and Rules, 1988, being Member of Haryana Legislative Assembly for the 10th House. As per Government Instruction dated June 24, 2013 (Annexure P-2), 23 private hospitals including The Medanta Global Health Private Limited Hospital, Sector 38, Gurgaon were empanelled for two years and it was provided that reimbursement shall be made at PGIMS Chandigarh rates in addition to 75% of remaining cost, however, in special cases, Government is empowered to reimburse 100% of the billed amount by granting relaxation. Subsequently, empanelment of Medanta Hospital was extended vide Instructions dated November 20, 2013 (Annexure P-3) and August 13, 2015 (Annexure P-4).

4. Petitioner submitted his medical claim vide application dated February 06, 2015 (Annexure P-5) alongwith Essentiality Certificate (Annexure P-6) to respondent No.2 for reimbursement of the amount spent during his stay in Medanta Medicity Hospital. However, vide order dated

reimbursed whereas he was entitled to 100% reimbursement of the billed amount as per Government Instruction dated June 24, 2013 by affording relaxation.

5. Aggrieved by order dated May 18, 2015, petitioner has approached this Court seeking 100% reimbursement of billed amount spent on his treatment from Medanta Medicity Hospital, Gurgaon as per Government Instruction dated June 24, 2013 (Annexure P-2) and further for issuance of direction to the respondent(s) to modify the impugned order to enhance the amount of reimbursement to the extent of 100% of the billed amount as only 66% amount has been reimbursed as well as for quashing the impugned order passed by respondent No.1 to the extent of reimbursement at the rates charged by PGIMS, Chandigarh.

6. Undisputably, petitioner submitted his claim alongwith an application dated February 06, 2015 (Annexure P-5) to respondent No.2 seeking reimbursement of the amount of ₹ 32,89,000/- incurred by him for his treatment in Medanta Medicity Hospital, Gurgaon and only an amount of ₹ 21,52,466/- was allowed, and the claim with regard to balance amount was declined by the respondent(s) on the simple ground that Medanta Medicity Hospital was not on panel of the Haryana Government. Here, it would be pertinent to mention that Letter dated November 20, 2013 (P-3) depicts the empanelment of Medanta Medicity Hospital, Gurgaon for a period of one year i.e. from May 02, 2013 to May 02, 2014, and subsequent thereto, empanelment of the private hospitals including Medanta Medicity Hospital, Gurgaon was made to enure/renewed for a period of two years as is evident vide Letter/ Instruction dated August 13, 2015 (Annexure P-4). So, Medanta Medicity Hospital, Gurgaon is, prima facie, established to be on the

empanelment of the Haryana Government for and if, for the sake of arguments, it was not so for some period in between the period of empanelment as per letter, Annexure P-3 and another letter, Annexure P-4, even then, petitioner cannot be declined the relief as there is nothing on the record to suggest that it was brought to his notice at any point of time that Medanta Medicity Hospital, Gurgaon is not on the panel of the Government. Approximately, 2/3rd of the amount of bill for reimbursement submitted by the petitioner was sanctioned to the petitioner whereas remaining claim of 1/3rd was declined which is neither permissible nor justified.

7. Though, during the course of arguments, it has been urged by learned counsel for the petitioner that petitioner is entitled to 100% of the medical bills, being an Ex-Member of the Haryana Legislative Assembly under the provisions of Haryana Legislative Assembly (Medical Facilities to Members) Act, 1986 and Rules, 1988, though in some special cases, after granting relaxation, yet petitioner cannot be declined reimbursement of his medical claim at PGIMS, Chandigarh rates plus 75% of the remaining cost/charges.

8. No doubt, relaxation could be there in case of Members of the Haryana Legislative Assembly but there is nothing on the record to suggest either for seeking the said relaxation or for granting thereof. Thus, this Court is of the considered view that petitioner is entitled to the reimbursement of the medical bill submitted by him as per PGIMS rates plus 75% of the remaining/balance amount or other charges.

9. In the light of what has been discussed above, amount of the reimbursement bill be calculated as per PGIMS rates plus 75% of the balance amount, after deducting the amount which has already been

paid/reimbursed to the petitioner, be made to him within a period of two months from the date of receipt of certified copy of this judgment. In case of non-compliance, petitioner shall be at liberty to approach this Court.

10. Disposed of accordingly. No costs.

January 22, 2018
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No