IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12188 of 2016
Date of Decision: 09.10.2018

C.S.Vashist **.....Petitioner**

Vs.

State of Haryana and others **.....Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jai Singh Yadav, Advocate, for the petitioner.

Mr.Gaurav Jindal, Addl.A.G.Haryana.

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RITU BAHRI, J. (ORAL)

Petitioner is praying for quashing the impugned letter 18.05.2016 (Annexure P-9) vide which the medical reimbursement claim of the petitioner has been rejected and further directions to the respondents to reimburse the medical bills sent by the petitioner through proper channel as per letter dated 07.10.2015 (Annexure P-5) and letter dated 19.11.2015 (Annexure P-7).

The fact is not in dispute that wife of the petitioner who is suffering from Carcinoma Breast Cancer and Spine code in Back side. In the present case, respondent sanctioned only those bills which were belongs the period in which petitioner treated his wife as indoor patient and bills pertains to out door period were rejected.

Learned counsel for the petitioner has referred to the letter dated 06.05.2016 (Annexure P-3) whereby, it has been certified that Smt.Veena Rani D/o Sh.C.S.Vashist R/o H.No.Sector 68, Sector-16 Faridabad, is

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suffering from Carcinoma Breast (R.T.) (Department) Health and this ailment is one of the chronic disease vide Haryana Government letter No.2/640/2003-HB 111 dated 08.06.2005 and further it is certified by Civil Surgeon, Faridabad (Annexure P-1) that it is a case of emergency and facilities for treatment of Chemo Therapy and treatment of cancer is not available in B.K.Hospital, Faridabad. As per certificate (Annexure P-2), wife of the petitioner is suffering from Carcinoma Breast (R.T.) and this ailment is one of chronic disease and needs continues treatment. The division Bench of this Court in the case of **C.B.Gupta Vs. State of Haryana and others 2003(2) SLR 425,** has quashed the instruction issued by Haryana government whereby reimbursement of out door treatment was not granted for chronic decease. The Division Bench has allowed the case whereby, medical expenses of out door treatment was not allowed. While allowing the writ petition, a reference has been made to the decision given in **Renu Saigal Vs. State of Haryana 1998 (4) SCT 565 (P&H)** whereby, a direction was issued to the respondent to make full reimbursement of medical expenses incurred by the petitioner therein, both as indoor and outdoor patient. A reference has further been made to the case of **Kuldeep Kumar Vs. State of Haryana 2002(3) SCT 71 (P&H) 2002 (3) RSJ 115** and to the case of **Smt.Om Bai Vs. State of Haryana and others passed in CWP No.8469 of 2011** whereby, outdoor treatment which was a follow up and an integral part of the indoor treatment, must also be reimbursed as indoor treatment.

In view of the ratio of the abovesaid judgments, present writ petition is allowed by setting aside the letter dated18.05.2016 (Annexure P-9) and direction is given to the respondents to reimburse the bills of outdoor

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treatment of the wife of the petitioner dated 07.10.2015 and 19.11.2015 (Annexure P-5 and P-7) within four weeks from the date of receipt of copy of this order.

(RITU BAHRI)
JUDGE

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anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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