

CWP No.11274 of 2018 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11274 of 2018 (O&M)
Date of decision: August 27, 2018

Chaman Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Vikas Arora, Advocate for the petitioner.

Ms.Lavanya Paul, AAG Punjab.

Mr.Chetan Mittal, Assistant Solicitor General with
Mr.Varun Issar, Advocate for respondent No.2.

Mr.Anil Sharma, Advocate for respondent No.4.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a writ in the nature of mandamus to direct respondents No.1 to 3 arrayed herein for providing financial assistance for medical treatment to the petitioner under the Scheme called *Rashtriya Arogya Nidhi* (for short 'the RAN'). In short, the petitioner who is stated to be a labourer was suffering from heart ailment. He was undergoing treatment in PGIMER. The petitioner applied for financial assistance under the RAN but since the financial assistance was not being provided, therefore, filed the present petition.

After notice, the respondents have put in appearance. Learned Assistant Solicitor General appearing for Union of India, referred to its

reply, much less paras 3 to 6, which read as under:

3. That the Financial assistance is provided to poor patients, living below poverty line, suffering from major life threatening diseases such as cancer, and that of kidney, liver, heart, etc. under Rashtriya Arogya Nidhi (RAN) and Health Minister's Discretionary Grant (HMDG) schemes for their medical treatment at any of the super-specialty hospitals/institutes or other Government hospitals. Financial assistance to such patients, is, released in the form of 'one-time grant', which is released to the Medical Superintendent of the Hospital where the treatment has been/is being received. However, reimbursement of expenditure already incurred on treatment is not permissible under the schemes. Further, patients taking treatment in private hospitals are also not eligible for financial assistance under these schemes.

4. That Under RAN, Revolving Funds have also been set up in 13 Central Government Hospitals/Institutions located all over India for providing financial assistance for treatment upto Rs.2 lakh. In addition, financial assistance is provided for individual cases referred by Government hospitals/institutions, which do not have a Revolving Fund and for cases referred by 13 Government hospitals/institutions with Revolving Funds for assistance exceeding Rs.2 lakh. PGIMER, Chandigarh is one of the 13 Central Government institutions where Revolving Funds under RAN have been set up. Hence, in the instant case, PGIMER, Chandigarh can treat the patient from the RAN Revolving Fund available with the institute, provided the patient satisfies the eligibility conditions prescribed for financial assistance under RAN.

5. That with regard to the Health Minister's Discretionary Grant (HMD), those having annual family-income upto Rs.1,25,000/- are eligible for financial assistance upto a maximum of Rs.1,25,000/- as per the guidelines of the scheme, to defray a part of the expenditure on hospitalization/treatment in Government hospitals, in cases where free medical facilities are not available.

6. That for availing the financial assistance under RAN and HMDG, the patient has to submit an application in the prescribed form alongwith the estimated cost of treatment certified by the Head of the

department and countersigned by the Medical Superintendent of the treating hospital. Original income certificate, copy of ration card and Aadhaar card of all the members of the family are also to be submitted along with the Application form.”

It is submitted that the Government of India, Ministry of Health and Family Welfare wrote a letter dated 25.7.2018 to the Medical Superintendent, Post Graduate Institute of Medical Education and Research, Chandigarh for grant of financial assistance under RAN Scheme and it was advised that in case the petitioner does not fulfill the conditions of RAN Scheme, then his case may be referred to the Ministry for consideration under HMDG.

Mr.Chetan Mittal, Assistant Solicitor General has further submitted that now the case of the petitioner has been considered under RAN and ₹1.5 lacs as financial assistance has been sanctioned and has been released to him by the PGIMER, which is custodian of the revolving fund.

Learned counsel appearing for respondent-PGI has submitted that the delay was caused in releasing the financial assistance to the petitioner on account of non furnishing of the relevant documents by him.

Be that as it may, Sh.Chetan Mittal, Assistant Solicitor General has submitted that motive of the Government of India is that the benefit of the Scheme, namely, RAN or HMDG must go to the needy patients timely so that they may get treated because it is meant for life threatening diseases of the people living below the poverty line. He has suggested that a direction may be issued to the Institution like PGI which is custodian of the revolving fund, to act swiftly for the purpose of considering the application of the applicant so that in the absence of financial assistance, the patient

may not suffer even to the extent of losing his/her life.

After hearing the learned counsel for the parties and keeping in view the facts and circumstances, this petition, which has otherwise become infructuous because the required financial assistance has already been released from the revolving fund maintained under the RAN by the PGI to the petitioner, is disposed of with a direction to the PGI to consider in future, the application of the eligible candidates/patients immediately so they may not have to rush to the Court for this purpose.

August 27, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No