

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

CWP No.1216 of 2018
DATE OF DECISION : 29TH JANUARY, 2018

Manvika Banswal, @ Manvika Yadav

.... Petitioner

Versus

**Registrar General, Punjab and Haryana High Court, Capital
Complex, Sector 1, Chandigarh.**

.... Respondent

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

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Present : Mr. Amaninder Preet, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

This is petition under Article 226/227 of the Constitution of India by which the petitioner has put to challenge two orders i.e. order dated 10.08.2016 and 28.05.2015 Annexures P-7 and P-3 respectively, by which the medical reimbursement bills submitted by the petitioner were rejected.

Learned counsel for the petitioner submitted that the petitioner had undergone emergency treatment at the private hospital namely Max Hospital, Gurugram, though unapproved. According to learned counsel for the petitioner the procedure which she has undergone, falls in the category of “emergency” and, therefore, the authorities were wrong in rejecting the reimbursement of the bills. According to him, the In Vitro Fertilisation (IVF) is not available at civil hospital and, therefore, the petitioner had no other way except to go to the private

hospital namely Max Hospital, Gurugram. Learned counsel for the petitioner has relied on the decisions of this Court in the case of ***Om Parkash Versus State of Haryana & others*** delivered on 07.02.2013 in CWP No.1523 of 2011 and ***Om Parkash Dhingra Versus State of Haryana & others*** delivered on 03.09.2015 in CWP No.6693 of 2014.

We have heard learned counsel for the petitioner and perused the case file.

We find that the reimbursement of the medical bills have been rejected by the authorities after having considered Annexures P-4 and P-6, which are reports given by the Civil Surgeon, Gurugram and Civil Surgeon, Mewat respectively. We have gone through both these reports. Under these reports Civil Surgeons have given the reasons as to why the bills were returned to the authority concerned. It is then stated that the IVF procedure that was undertaken by the petitioner is not an emergency though its procedure was not available at civil hospitals. This means that even if the IVF procedure was not available at Civil Hospitals the petitioner was never prevented from going to the approved private hospitals. However, the petitioner went to the unapproved hospital i.e. Max Hospital, Gurugram, and reimbursement therefore under the rules is impermissible. The submission that IVF procedure is an emergency condition is not acceptable to us and it is not possible for us to go beyond the unchallenged Annexure P-4 and P-6 which are the reports given by the Civil Surgeons, the experts.

In addition, we have also considered Annexure P-7 in which it has been stated that the petitioner was never admitted in the hospital. Consequently, the claim was not sustainable.

In that view of the matter, we do not find any fault with the orders Annexure P-3 and P-7, passed by the authorities, rejecting the claim for medical reimbursement made by the petitioner. The civil writ petition is thus dismissed summarily.

(A. B. CHAUDHARI)
JUDGE

29TH JANUARY, 2018
‘raj’

(INDERJIT SINGH)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>