

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

(223)

CWP-19273-2016

Date of Decision: December 13, 2018

Suraj Mal

..Petitioner

Versus

State of Haryana & others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shamsher Singh Mor, Advocate, for the petitioner.

Mr. Ravi Dutt Sharma, DAG, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present writ petition has been filed by the petitioner claiming that out of the total sum of Rs.4,00,640/-, which the petitioner incurred for his heart bypass surgery at Medanta Hospital, Gurgaon only a sum of Rs.2,28,199/- has been paid to the petitioner whereas, the petitioner was entitled for the total amount incurred by the petitioner.

As per the allegations made in the petition, on 22.12.2015, the petitioner was admitted in Medanta Medicity Hospital, Gurgaon with a complaint of chest pain and unstable angina. After the admission, the petitioner underwent Coronary Angiography on 24.12.2015 and the petitioner was implanted with two stents. It is averred in the petition that the petitioner incurred a sum of Rs.4,00,640/- while getting the said treatment from Medanta Hospital.

Learned counsel for the petitioner submits that the petitioner submitted the bills for reimbursement out of which, only a sum of Rs.2,28,199/- has been approved whereas, the petitioner was entitled for whole of the amount i.e. Rs.4,00,640/-. Counsel further submits that in any

case, the petitioner was entitled for a sum of Rs.3,38,199/-, which the respondents themselves had calculated vide letter dated 30.03.2016 and therefore, in any case the petitioner is entitled for reimbursement of Rs.3,38,199/-, as assessed by the respondents themselves vide letter dated 30.03.2016 (the letter is not on record but produced at the time of hearing only).

Further, the petitioner relies upon the policy which the respondents have attached alongwith their reply as Annexure R-2 dated 13.08.2015 to say that as per the said policy, the petitioner is entitled for PGI rates+ 75% of the balance amount and therefore, the petitioner was entitled for much more than what he has been paid as medical reimbursement in the form of Rs.2,28,199/-.

Learned counsel for the respondents had contested the claim as being made by the petitioner.

Learned counsel for the respondents states that whatever the petitioner was entitled for under the policy Annexure R-2, has been duly calculated and paid to the petitioner. All the calculations have been attached alongwith the reply as Annexure R-3, a bare perusal of which depicts that the petitioner has only been found entitled for a sum of Rs.2,28,199/-. Counsel for the respondents further states that the said amount has been calculated by giving the petitioner PGI rates+75% of the difference as mentioned in policy Annexure R-2.

I have seen the calculations done by the respondents vide Annexure R-3. The same has been done in a professional manner giving the details in each sphere. The amount which the petitioner incurred at Medanta Hospital has been mentioned in column No.3. The rate which the PGI

would have charged has been mentioned in column No.4 and further, 75% of the difference amount as envisaged under the policy Annexure R-2 has also been calculated and after doing so, the net payable sum of Rs.2,28,199/- has been calculated. No fault can be found in the same and nothing has been pointed out by counsel for the petitioner as to how and where the calculations is incorrect.

With regard to the assertion of the counsel for the petitioner that the respondents themselves had calculated a sum of Rs.3,38,199/- vide letter dated 30.03.2016, the same has been replied by the respondents by way of an affidavit filed by Shri S.S. Bhorla, HPS, Superintendent of Police, Bhiwani. In the said affidavit, it was admitted that initially an amount of Rs.3,38,199/- was calculated to be paid to the petitioner and the same was forwarded to the competent authority. When the said proposal reached the Medical Officer, Haryana Police Academy, Madhuban, he raised the objection that the sticker of the stents, which have been implanted, has not been attached to verify the amount of those stents. The petitioner was asked to submit those stickers and after the stickers were submitted by the petitioner, it was found that those stickers were Drug Eluting Coronary Stents amounting to Rs.65,000/- per stent whereas, the initial calculations were done by the respondents on the basis of Bio-Absorbable Stents which amounts to Rs.1,20,000/- each.

After the said discrepancy was found, a sum of Rs.1,10,000/- was deducted from the calculations which were initially done and the payment of Rs.2,28,199/- was made. The averments made by the respondents in those affidavits has not been controverted by the petitioner in any manner. Therefore, no fault can be found with the calculations which

the respondents have done for arriving at an amount of Rs.2,28,199/- to be paid to the petitioner.

Keeping in view the above, no fault can be found with the action of the respondents in paying Rs.2,28,199/- as medical reimbursement in respect of the claim submitted by the petitioner.

The writ petition stands dismissed.

December 13, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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