

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

CWP-6920-2016 (O&M)

Date of Decision:09.02.2018

Sanjeev Kumar

... Petitioner

Vs.

Employees' State Insurance Corporation and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Adarsh Malik, Advocate for respondent No1.

Ms. Deepali Puri, Advocate for respondents No.2 and 3.

P.B. BAJANTHRI J. (Oral)

1. In the instant petition, petitioner has challenged the communication dated 28.12.2015 by which claim of the petitioner for medical reimbursement has been restricted to the reimbursement with reference to the rate of CGHS in terms of Annexure R-4 dated 18.5.2010.

2. Learned counsel for the petitioner submitted that identical matter was considered by the Central Administrative Tribunal and the claim was rejected which was subject matter before this Court in the Division Bench. Division Bench was pleased to apprise the emergency situation as well as revised package has not been undertaken.

3. Having regard to the emergency situation and the fact that ventilator was not available with the enlisted hospital so as to take the treatment with reference to the identified hospital by the CGHS. Petitioner was compelled to take treatment from the COSMO Hospital, Mohali. Thus, he has incurred cost of the treatment more the rate fixed by CJHS. In view of the decision rendered in Ayoudhia Prasad Duggal v. CAT, Chandigarh and others; 2017 (1) Law Herald 914, petitioner's case is identical to that of

the said case.

4. Accordingly, order/communication dated 28.12.2015 (Annexure P-5) is set aside and the matter is remanded to the concerned authority to re-determine medical reimbursement in view of the decision passed by the Division Bench in Ayoudhia Prasad Duggal's case (supra). Concerned respondent is hereby directed to take a decision and extend the benefit within a period of four months from today.

Petition stands allowed accordingly.

09.02.2018

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(P.B. Bajanthri)
Judge