

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 10482 of 2018
Date of Decision: 11.3.2019

Manglesh Kumar Choubey

.....Petitioner

Vs.

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: - Mr. Aman Pal, Advocate
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

Mr. Vikas Suri, Advocate
for respondent No. 2.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is a judicial officer in Haryana. He suffered an accident on 21.3.2016 and was admitted in Fortis Hospital, Vasant Kunj, New Delhi. He incurred expenses to the tune of ₹ 1,03,000/- vide bill No. IPCS 94016 dated 23.3.2016 for his emergency treatment. Thereafter, the petitioner suffered acute chest pain on 19.10.2016, admitted in Shanti Hospital, Gohana and was later on transferred to Moolchand Hospital, Delhi on 20.10.2016 where he had underwent a Coronary Angiography and Angioplasty to save his life. He was discharged on 22.10.2016 and in the said treatment, he had spent an amount of ₹ 2,03,597/- which was paid vide bill No. 16-17CA3132 dated 22.10.2016. The petitioner had applied for reimbursement of the said medical expenses. He has been sanctioned the

expenses while applying the calculations in terms of Medical Reimbursement Rules, 2005 (for short '*Rules of 2005*') that too at the rate of PGI, Chandigarh.

After issuance of notice, the respondents have filed their replies in which it is averred that the case of medical reimbursement of the petitioner would be covered by the Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988 (for short '*Rules of 1988*').

Learned counsel for the petitioner has submitted that the amount to be reimbursed to the petitioner is not calculated in terms of Rule of 1988, rather the calculation has been made in terms of the Rules of 2005 that too on the PGI pattern whereas he has got the treatment in Delhi at both the relevant times while he was admitted in the hospitals called Fortis Flt. Lt. Rajan Dhall Hospital, Vasant Kunj, New Delhi and Moolchand Medicity Hospital, New Delhi and both are the unapproved hospitals. He has suggested that the matter may be remanded back to the competent authority to recalculate the amount of reimbursement on the pattern of the rates approved by AIIMS and not on the pattern of rates approved by PGI, Chandigarh, in terms of the provisions of the Rules of 1988.

Learned counsel for the respondent has not raised any objection so far as the calculation, to be made under the Rules of 1988, is concerned but it is submitted that as to what rates would be applicable for the purpose of medical reimbursement i.e. the rates of PGI or AIIMS, shall be decided by the competent authority.

In view thereof, the present writ petition is disposed of with a direction to the competent authority (District and Session Judge, Jind and District and Session Judge, Sonapat) where the petitioner was posted as a

Subordinate Judge at the time when he had the medical emergency on the basis of which he had to be admitted to the hospitals both in Fortis Flt. Lt Rajan Dhall Hospital, Vasant Kunj, New Delhi and Moolchand Medicity Hospital, New Delhi, to calculate the amount of medical reimbursement of the petitioner in terms of provisions of the Rules of 1988. The needful shall be done within a period of one month from the date of receipt of certified copy of the order. In case the petitioner is also required to be heard, then the competent authority may also seek the presence of the petitioner for that purpose.

It is further directed that in case the petitioner is found eligible for the reimbursement of amount, the said amount shall be reimbursed to him within a month thereafter.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

March 11, 2019
Gurpreet

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No