

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-3688-CWP-2019 in/and
CWP-24781-2016

Date of decision: - 08.03.2019

Mohinder Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Sonia G. Singh, Advocate,
for the applicant-petitioner.

Ms. Deepali Puri Sandhu, Additional Advocate General, Pb.

Mr. Arun Walia, Senior Advocate
with Mr. Vikrampreet Singh, Advocate and
Mr. Gitish Bhardwaj, Advocate
for respondent No.3.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-3688-CWP-2019

Present application has been filed on behalf of applicant-petitioner to place on record replication to the written statement filed on behalf of respondent No.3.

Copy of the application has already been supplied to opposite counsel.

In view of the averments made in the application, the same is

allowed. Replication is taken on record, subject to all just exceptions.

CM stands allowed.

CWP-24781-2016

In the present writ petition, the grievance raised by the petitioner is that the medical reimbursement is not being allowed to the petitioner in respect of the treatment which the wife of the petitioner had undertaken and for which the bills have already been submitted with the respondents starting from March, 2016 till August, 2016.

Before the matter could be heard on merits, learned Senior counsel appearing on behalf of respondent No.3 has raised a preliminary objection that under the policy, in respect of which the present reimbursement claim has been made by the petitioner, there is a Dispute Resolution Committee, where the petitioner should have raised his grievance for the grant of reimbursement of the medical bills.

Counsel for the respondents states that under para 24 of the said policy, there is a District Level Grievance Redressal Committee which has been formed and if not satisfied with the decision of the District Level Grievance Redressal Committee, the petitioner has to approach the State Level Committee. The relevant objection as raised by the respondents in the reply is as under:-

“1. That the petitioner has an alternative remedy under Para 24 of the policy which is reproduced hereunder: -

“24 DISPUTE RESOLUTION AND
GRIEVANCE REDRESSAL

If any dispute arises between the parties during the subsistence of the policy period or thereafter, in connection

with the validity, interpretation, implementation or alleged breach of any provision of the scheme, it will be settled in the following way:

a) Dispute between Beneficiary and Health Care Provider/Care Provider and the TPA/Insurance Company:

1. District Level Grievance Redressal Committee.

Grievance Redressal Committee shall be set up in each District for all possible Redressal of grievance of beneficiaries/Health provider by the Insurer. The Committee will constitute following member: -

- i) Deputy Commissioner,
- ii) Civil Surgeon
- iii) Deputy Medical Commissioner
- iv) Representative of Insurance Company
- v) Representative of TPA

The Committee will resolve the Grievance within 30 days from the date of receiving the application. Any party, if not satisfied with the decision of the committee, can reach to the State Level Committee.”

In view of the above condition, the present civil writ petition is liable to be dismissed.”

In view of the said objection, counsel for the petitioner apprehends that there might be an issue with regard to the limitation, which might be taken by the respondents, if the petitioner approaches the respondents under Section 24 of the Policy at this stage.

Learned Senior counsel appearing on behalf of the respondents assures that no such objection will be taken in case the petitioner approaches the authorities under Section 24 of the Policy and the case will be decided on merits.

Keeping in view the above, counsel for the petitioner states that she be allowed to withdraw the present writ petition with a liberty to

the petitioner to approach the appropriate authorities under the Policy for the redressal of his grievance at the first instance.

March 08, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes