

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5933-2016

Date of decision: - 25.03.2019

Satbir Chalia

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.K. Chaudhary, Advocate, for for the petitioner.

Mr. Ankur Jain, Advocate
for Mr. Charanjit Singh Bakhshi, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present writ petition is filed by the petitioner seeking the reimbursement of the remaining amount of ₹38,956/-.

As per the averments made in the writ petition, the petitioner had undertaken the procedure “Umbilical Hernia Repair” on which he had spent a total amount of ₹67,866/-.

Counsel for the petitioner states that out of the total ₹67,866/-, only a sum of ₹27,039/- was reimbursed by the respondents on 06.01.2015, but there was no order as to why, a sum of ₹38,956/- has not been paid to the petitioner despite the fact that the same was incurred by him while undergoing the above-mentioned treatment.

Upon notice of motion, the respondents have filed the reply.

Present case had come up for hearing on 14.02.2019, on which date, the following order was passed by this Court: -

“In pursuance of the order dated 31.10.2018, Sh. Rajesh Khandelwal, Chief General Manager (Admin.), UHBVN-respondent No. 2 is present in Court. He states that he needs time to file an affidavit to the effect that as to why the claim of `40,000/- was withheld, which was submitted by the petitioner on account of consuming medicine during the medical emergency.

Let a complete affidavit giving the details as to why and under what head and in view of which policy, the said benefit has been denied to the petitioner, by the next date of hearing.

Adjourned to 25.03.2019.”

In pursuance of the abovesaid order, an affidavit has been filed by respondent No.2 today in the Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

As per the said affidavit, the amount of ₹38,675/- has also been released to the petitioner. The relevant portion of the affidavit is as under:-

“That it is respectfully submitted that a perusal of above comments dated 21.02.2019 shows that the package rates for “Umbilical Hernia Repair” were not specified under the *ibid* instruction dated 06.08.2013 duly adopted by the Nigam vide instruction dated 18.09.2013, whereas, the instruction No.2/8/88-1HBIII dated 06.05.2005 (Annexure R-4) are generalized instructions with respect to reimbursement of medical bill, the relevant extract of clause no.3 of *ibid* instruction dated 06.05.2005 is reproduced hereunder: -

“3. Approved Hospital:-

a) The reimbursement on the expenditure incurred for treatment in any of the non govt. hospital out of the 20

hospitals approved vide govt. letter no.2/296/86-1HBIII, dated 19th November, 1986 with the concurrence of Finance Department vide their U.O. No.56/80/86-6FD-II/4309/4588 dated 22nd October, 1986 and also for the expenditure incurred for treatment in any of the non govt. Hospital out of the 7 hospitals approved vide letter no.2/2006/2002-1HBIII dated 08.01.2003 shall be made at the rate equal to PGI, Chandigarh rates.”

9. The above instruction dated 06.05.2005 was further amended by the State Govt. of Haryana vide instruction No.2/8/88-1HBIII dated 02.05.2011 (Annexure R-5), vide which it was notified that the expenditure incurred on the treatment in empanelled hospitals were to be reimbursed on PGI rates + 75% of the remaining amount. That in terms of these instructions, the competent authority vide office order no.102/UH/M-2339 dated 26.02.2019 has sanctioned remaining amount for reimbursement as verified by Senior Consultant (Medicine), HPU, Panchkula which seems to have been omitted due to inadvertent error on the part of concerned office. The amount stands disbursed in his favour vide cheque no. 249349 dated 26.02.2019 amounting of Rs.38,675/-. The details of which are given hereunder in tabulated form below:-

Sr. No.	Name & Quantity of Medicines	Amount Claimed	Amount verified/ sanctioned
1.	Umbilical Hernia Repair	₹8,910.00	₹6,758.00
2.	Laparoscopic Cholecystectomy	₹17,000.00	₹17,000.00
3.	Room Rent (Economy)	₹3,000.00	₹3,000.00
4.	Medicines	₹38,956.00	₹38,956.00
	Total	₹67,866.00	₹65,714.00
	Claim already sanctioned & paid		₹27,039.00
	Balance amount sanctioned by this office no.102/UH/M – 2339 dated 26.02.2019 and paid remaining amount vide Cheque No.249349 dated 26.02.2019		₹38,675.00”

In view of the above, counsel for the petitioner states that the relief, for which the present writ petition was filed, has already been

redressed and paid to the petitioner and therefore, he does not want to press the present writ petition any further.

Disposed of, as not pressed in view of the fact that the relief already stands granted to the petitioner.

March 25, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes