

Appl.Side-8

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7730/2016 & CM APPL. 31910/2016

MASTER RUDRANSH

VYAS (MINOR) & ANR.

..... Petitioners

Through

Mr. Ashok Aggarwal, Advocate

versus

EMPLOYEES STATE INSURANCE

CORPORATION & ORS.

..... Respondents

Through

Ms. Shyel Trehan, Amicus
Curiae with Ms. Sonali Malik,
Advocate.

Ms. Shiva Lakshmi, CGSC and
Mr. Dev P. Bhardwaj, CGSC
with Mr. Jatin Teotia, Advocate
for UOI.

Mr. Yakesh Anand with Mr.
Nimit Mathur, Advocates and
Dr. Naresh Arora, AD (D) and
Mr. Dhruv Prasad UDC for
ESIC.

Mr. Ramesh Singh, Standing
Counsel (Civil) with Mr.
Chirayu Jain, Advocate for
GNCTD.

Mr. Tanveer Oberoi, Advocate
for AIIMS.

Mr. Rajshekhar Rao with Mr.
Kotla Harshvardhan and Ms.
Mansi Sood, Advocate for
Sanofi Genzyme.

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Date of Decision: 16th April, 2019

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed by Master Rudransh Vyas. As the petitioner No.1-patient is suffering from Gaucher disease Type-1, he seeks extension of medical cover for life saving Enzyme Replacement Therapy on the ground that his father is insured with Employees State Insurance Corporation (for short 'ESIC').
2. In the present writ petition, it has been averred that ESIC had denied medical treatment to the petitioner relying on Clauses 5.1 and 5.3 of the ESIC Decisions on Medical Services-July, 2014 inasmuch as it imposes a ceiling limit of Rs.10 lacs per beneficiary per year.
3. During the pendency of the present writ petition, the impugned Clauses 5.1 and 5.3 have been amended by way of Circulars dated 07th November, 2016 as well as 15th December, 2016 and Office Memorandum dated 29th October, 2018. By way of Circular dated 17th November, 2018, it has been stipulated that for all the cases where expenditure incurred/to be incurred is more than Rs.10 lacs per beneficiary, the same shall be examined on case to case basis by a Committee constituted by ESIC Headquarter office and a decision with the approval of Chairman ESI Corporation shall be taken.
4. Learned counsel for respondent-ESIC states that the petitioner's case has been found eligible for treatment and the petitioner is being

administered medical treatment, including Enzyme Replacement Therapy, as recommended by the Doctors.

5. Consequently, respondent-ESIC is directed to grant medical treatment to the petitioner.

6. With the aforesaid direction, the present writ petition and pending application stand disposed of.

APRIL 16, 2019
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MANMOHAN, J

