

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

212

CWP-25456-2016

Date of Decision: 18.02.2020

Dharmender

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Neeraj Gupta, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

NIRMALJIT KAUR, J (ORAL)

The present petition is for reimbursing the medical expenses incurred by the petitioner on his mother's treatment with interest.

Reply has been filed. As per the said reply, the petitioner is not entitled for reimbursement of the entire expenditure incurred by the petitioner in the Appollo Hospital, New Delhi as it is neither a government Hospital nor an empanelled hospital. If at all, the petitioner is entitled only the reimbursement equivalent to the expenses incurred for such a treatment at the rates of AIIMS hospital or the PGI.

Reliance has also been placed on the judgment rendered by the Apex Court in the case of *State of Punjab vs. Ram Lubhaya Bagga, 1998 (4) SCC 117* to support the argument.

In the present case, the mother of the petitioner was taken to the local government Hospital, where her blood pressure was found to be high

and was accordingly taken to local Gold Field Hospital, Ballabgarh in an emergency condition, where she was advised to go to some specialized hospital as the Gold Field Hospital did not have the specialized facilities. Accordingly, she was rushed to Fortis Escorts Hospital at Neelam Bata Road, Faridabad and admitted there on 19.04.2014 and kept in intensive care unit upto 20.04.2014 but since her condition did not improve and needed special treatment to save her life, she was taken to Indraprastha Apollo Hospital, New Delhi, where she was diagnosed with Ruptured Artery in Brain due to hypertension. She was immediately admitted on the said date and was operated upon in emergency condition. She was discharged after undergoing an operation on 05.05.2014.

The facts are not disputed. It is also not disputed that the petitioner was admitted in an emergency condition. The Apex Court in the case of *Suman Rakheja vs. State of Haryana and Anr. 2004(13) SCC 562*, wherein the patient was rushed to the private hospital because of a paralytic stroke and was admitted in an emergency condition in the hospital, the Court deemed it appropriate to grant 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

Taking into account the serious condition of the mother of the petitioner and also that there is no mention that the petitioner's mother could have been taken to another hospital with similar facilities of medical expertise to deal with brain hemorrhage which was closer to the hospital to which she was taken and further in view of the admission that petitioner's mother was indeed in an emergency condition, this Court sees no reason as to why the said benefit should not be extended in the present case.

Accordingly, the respondents are directed to pay the expenses to the extent of 100% medical expenses incurred by the petitioner equivalent to the AIIMS rates and 75% of the expenditure in excess thereof within a period of two months from the date of receipt of certified copy of this order. However, in case, the said amount is not disbursed within the said period of two months, then the respondents shall be liable to pay the same with interest @ 6% p.a.

The writ petition is accordingly disposed of.

18.02.2020

Satyawan

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.