

CWP No.27498 of 2018
Date of Decision: 13.02.2020

Bishamber Lal Gaba

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Subhash Ahuja, Advocate with
Mr. Karanveer Ahuja, Advocate
for the petitioner.

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

Mr. Surinder Gaur, Advocate
for respondent Nos.4 and 5.

Ms. Priyanka Malik, Advocate
for respondent No.6.

Mr. Manpreet Singh Longia, Advocate
for respondent No.7.

NIRMALJIT KAUR, J. (ORAL)

The present writ petition is filed with the following prayers:-

- i) to produce the complete records of the case;
- ii) a writ of certiorari be issued quashing impugned orders dated 12.04.2017 (Annexure P-17), 24.08.2017 (Annexure P-11), 06.12.2017 (Annexure P-14) and all other connected/consequential orders affecting the interests of petitioner adversely;
- iii) Issue a writ of mandamus directing respondent No.7/Medical Council of India to take appropriate action against respondent Nos.4, 5 and 6 as per provisions of MCI Act.
- iv) Directing respondent Nos.4 and 5 to issue the necessary emergency certificate on medical bills of petitioner without any further

delay;

v) Directing respondent Nos.2 and 3 to release the payments of medical bills to the petitioner alongwith interest @ 18% p.a. without any further delay.

At the outset, learned counsel for the petitioner stated that during the pendency of the present writ petition, his medical bills have since been reimbursed on 06.08.2019. This is also evident from the affidavit dated 24.09.2019 filed by Dalbir Singh, District Social Welfare Officer, Hisar. Thus, the only dispute that survives is qua the payment of interest on the delayed reimbursement of the medical bills. It is evident from the contents of the writ petition that the petitioner, herein, was made to go from one hospital to another and from one authority to another trying to get himself the relevant documents demanded by the authorities i.e. respondent Nos.4 and 5 for release of the medical reimbursement.

The petitioner submitted his medical bills for reimbursement to respondent No.2, who sent it for countersignature to the Civil Surgeon, Hisar/respondent No.3, who in turn sent it to Medical Superintendent, PGIMS, Rohtak/respondent No.5 for issuance of the emergency certificate, who returned it with certain objections. The petitioner removed the objections and again sent it to respondent No.5 through proper channel but again respondent No.5, vide its letter dated 14.05.2016, demanded the indoor case file during his hospitalization from 11.03.2015 to 25.03.2015 as well as CAG/PTCA & Stenting CD, which could allegedly not be opened. The petitioner was forced to write to respondent No.5 that in spite of various visits and efforts, respondent No.6-Hero DMC Heart Institute,

Ludhiana has not supplied him the internal records and supplied him only a certificate dated 11.01.2016 suggesting as to how the CAG/PTCA & Stenting CD could be opened up for viewing. Meanwhile, the petitioner had again suffered heart attack and was admitted in emergency from 19.09.2016 to 23.09.2016 incurring further bills. Once again, the petitioner went through the repeated objections raised by the respective institutions. The petitioner continued to suffer on account of objections and barriers raised by two premier institutes of the area under the grab of MCI regularization. However, everything was put to rest finally and the amount has since been released as stated above. The fact remains that the delay was caused on account of their internal administration or ego problem between two institutes.

At this stage, learned counsel for respondent Nos.4 and 5 objected that it was not on account of any internal dispute or ego problem but on account of the fact that the CD could not be opened and on account of some software problem. Be that as it may, the end result was that it was the petitioner who suffered on account of the incompetency and inefficiency of the various departments and in any case, it was definitely not on account of the fault of the petitioner.

The contention raised by learned counsel for respondent Nos.4 and 5 that it was not their fault and the CD was not supplied on time and when it was supplied, the same could not be opened and therefore, they were not in a position to certify anything, cannot be sustained as subsequently the respondents themselves released the amount without being able to open the CD and without obtaining the procedural CD.

Reliance is placed on the judgment rendered by this Court in the case of State of Haryana and others Vs. Ranbir Singh, 2013 (3) SLR 200, to contend that in such a case, the Court should consider it appropriate to pay the interest on the sanctioned amount of medical reimbursement at the rate of 12% per annum on the delayed payment.

In view of the above, the present writ petition is disposed of with a direction to respondent Nos.1 and 2 to pay interest @ 6% per annum on the delayed payment from the date it fell due till it was finally paid. The said interest be calculated and paid to the petitioner within two months from the date of receipt of certified copy of this order. In case, the same is not paid within two months, the same shall be paid thereafter alongwith interest @ 12% from the expiry of said two months.

In case, respondents/State thinks that the delay was on account of the other institutes or authorities, they are at liberty to recover it from the concerned authority, in accordance with law, who shall also be granted equal opportunity of being heard.

13.02.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No