

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

223

CWP No. 12301 of 2016
Date of decision : 4.4.2022

Narinder

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajiv Sharma, Advocate, for the petitioner

Mr. Harish Rathee, DAG, Haryana

Rajbir Sehrawat, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for setting aside the order dated 6.9.2010 (Annexure P-14). It is also prayed that the respondents be directed to release/reimburse the amount of Rs.1,73,240.60p spent on the medical treatment taken by mother of the petitioner in emergency as indoor patient.

The brief facts as involved in the case are that the father of the petitioner was working as Canal Patwari in the office of respondent No.4 and died while in service. On account of his death, her wife i.e. the mother of the petitioner namely; Smt. Tara Devi, was receiving family pension and was entitled to other retiral benefits including the medical reimbursement. On 4.6.2008, the mother of the petitioner, who was suffering from rheumatoid Arthritis, became serious. Accordingly, the petitioner had taken her to Government Hospital, Sohna. Since the condition of mother of the petitioner was very serious, therefore, the Medical Officer, Government Hospital, Sohna referred her to General Hospital, Gurgaon on the same day. However, the

General Hospital, Gurgaon further referred the mother of the petitioner to Safderjang Hospital, Delhi. Since the mother of the petitioner was not getting proper treatment from that hospital, therefore, the petitioner had taken her mother to the Indian Spinal Injuries Centre, New Delhi. She was admitted in emergency in that hospital and remained hospitalised there upto 19.6.2008. On account of said treatment of her mother, an amount of Rs.1,73,240.60p was spent. Thereafter, the mother of the petitioner herself had submitted the medical bills for reimbursement. However, the same has been denied by the respondents on the ground that she had not got the said treatment in an emergent situation. Hence, the present petition has been filed.

Arguing the case, counsel for the petitioner has submitted that the mother of the petitioner was admitted in the said hospital in an emergent situation and in a condition where she could have, possibly, even died or could have become permanently disabled. Hence, it was only in emergency that the mother of the petitioner had taken the treatment from an un-approved hospital. Counsel has further submitted that for the same disease and for the similar treatment taken at the same hospital, though at a later stage, the petitioner had submitted another set of medical bills; as well. The said claim was also declined by the respondents. The petitioner had filed CWP No. 1968 of 2009 (Tara Devi v. State of Haryana), however, the same was dismissed by the Single Bench of this Court on 11.9.2009. The petitioner filed appeal bearing LPA No. 434 of 2013, which was partly allowed by the Division Bench and the respondents were directed to make the payment as per the PGI-AIIMS rate. Hence, the petitioner is entitled to the reimbursement of the present medical bills, as well.

On the other hand, counsel for the State has submitted that the mother of the petitioner had herself got admitted into an un-approved hospital, despite having been referred to an approved hospital, therefore, she was not entitled to any reimbursement of medical bills. Counsel has further submitted that the matter has specifically been considered by the Civil Surgeon concerned and it has been opined that it was not a treatment taken in emergency. Hence, it is submitted that the claim of the petitioner has rightly been declined.

Having heard counsel for the parties, this Court finds that the present medical bills and the condition in which the mother of the petitioner had taken treatment; relating to the present bills, are at par with the condition and the treatment relating to the second set of bills, which was the subject matter of the above said LPA No. 434 of 2013. Hence, this Court finds that the case of the petitioner is squarely covered by the judgment/order passed in LPA No. 434 of 2013.

In view of the above, the present petition is partly allowed. The respondents are directed to consider the claim of the petitioner for reimbursement at the rate of PGI-AIIMS, New Delhi. Let the needful be done within a period of three months from today.

(RAJBIR SEHRAWAT)
JUDGE

4.4.2022

Ashwani

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