

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-16558-2021 (O&M)
Decided on : 09.11.2023

Gurdev Singh

. . .Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Aryavart, Advocate for
Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the prayer of the petitioner is for the reimbursement of the medical bills which the petitioner had submitted with the respondents keeping in view the treatment under taken by the mother of the petitioner from Ivy Hospital, Super Specialty Healthcare, Sector-71, Mohali. As per the petition, the mother of the petitioner was wholly dependent upon the petitioner and has entitlement for the medical reimbursement. The mother of the petitioner was got admitted in the Ivy Hospital, Super Specialty Healthcare, Sector-71, Mohali on 09.09.2020 keeping in view the medical condition of the mother of the petitioner which needs urgent medical attention and she remained in the Ivy Hospital from 09.09.2020 to 22.09.2020 and a sum of Rs. 7,28,014 /- was incurred on her treatment, reimbursement of which amount was sought by the petitioner.

2. As the respondents did not reimburse the full amount incurred by the petitioner, the present petition has been filed by the petitioner.

3. In reply to the writ petition, the respondents have mentioned that as per the medical reimbursement policy, in case any treatment has been undertaken in an emergent situation, the employees are only entitled for

reimbursement at per the PGI rates hence, a sum of Rs.3,19,221/- has been reimbursed to the petitioner.

4. Learned counsel for the petitioner submits that the reimbursement at PGI rates can only be done in case, the treatment has been undertaken from an unapproved hospital whereas, the Ivy Hospital is an approved hospital during the period when treatment was taken by the mother of the petitioner, which is clear from the certificate which has been issued by the hospital concerned, copy of which has been appended as Annexure P-9.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that the Ivy Hospital was an approved hospital by the Government of Haryana and the said approval was upto 06.09.2020. The Ivy Hospital had applied for extension of the empanelment on 04.09.2020, which was granted to the said hospital on 18.09.2020 but starting from 07.09.2020 that being a factual aspect, the Ivy Hospital is to be treated as an approved hospital for all intents and purposes during the period treatment was taken by the mother of the petitioner i.e. 09.09.2020 till 20.09.2020. .

7. Keeping in view the fact that the reimbursement of the petitioner has been allowed by treating the Ivy Hospital as an unapproved hospital, the said action of the respondents department is contrary to the facts and cannot be upheld hence, under the facts and circumstances of the present case, the respondents are directed to reconsider the claim of the petitioner for the reimbursement of the medical bills submitted by him with regard to the treatment undertaken by the mother of the petitioner from 09.09.2020 to 20.09.2020 by treating the Ivy Hospital as an approved hospital and pass a fresh order with regard to the claim submitted by the

petitioner for the reimbursement of the medical bills.

8. Let the said exercise be completed within a period of two months and whatever amount the petitioner is entitled for, as per the instructions, be extended to the petitioner after adjusting the amount already paid to the petitioner.

9. Accordingly, writ petition is allowed in the above terms.

10 Civil miscellaneous application pending, if any, be also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

09.11.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No