

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

(210)

CWP-23533-2015

Date of Decision : December 11, 2023

Sat Pal Gupta

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tribhawan Singla, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance of the petitioner is that the petitioner has not been extended the benefit of full medical reimbursement for undergoing the Baloon Angioplasty for which the petitioner remained hospitalized from 30.12.2013 to 01.01.2014 on which medical treatment, the petitioner had spent a sum of Rs.1,26,132/-.

2. Learned counsel for the petitioner argues that in the present case, the petitioner was living with his son in Noida and in an emergent medical situation, he was admitted in Max Hospital, New Delhi where he was diagnosed that he has to undergo the Baloon Angioplasty which was done upon him. Learned counsel for the petitioner submits that the petitioner had spent a sum of Rs.1,26,132/- on the said treatment, which bill was submitted for reimbursement. Learned counsel for the petitioner

submits that only a sum of Rs.22,000/- has been reimbursed to the petitioner, which is totally arbitrary and illegal and even contrary to the instructions dated 06.08.2013, which have been issued by the respondents, a copy of which has been appended with this petition Annexure R-2. Learned counsel for the petitioner further submits that as per the instructions dated 06.08.2013, the respondents had fixed the cost of Balloon Angioplasty wherein, the sum of Rs.75,000/- + cost of stunt + certain medical injections apart from the room rent are to be paid to the employee concerned, whereas, in the present case, only a sum of Rs.22,000/- has been reimbursed to the petitioner, which is totally arbitrary and illegal.

3. Learned counsel for the respondents submits that the petitioner has been given reimbursement at PGI rate.

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

5. The petitioner is claiming medical reimbursement for undergoing Balloon Angioplasty. Even for an approved hospital, a sum of Rs.75,000/- + cost of stunt and other medical injections apart from the room rent has been allowed by the respondents in their instructions dated 06.08.2013. The said instructions are being relied upon by the respondents in their reply to contest the claim of the petitioner. It may be noticed that once a particular package has been given to be reimbursed, the petitioner cannot be given less than the said package especially when it is a conceded fact that the medical treatment undertaken by the petitioner from a non-approved hospital was in emergent situation.

6. Keeping in view the facts and circumstances of this case, the claim of the petitioner needs to be reimbursed as per clause 9 of the policy dated 06.08.2013 and the medical reimbursement is to be done keeping in

view the 75% expense + cost of stunt + medical injections used as well as the room rent at PGI rates.

6. Let the respondents recalculated the benefits for which the petitioner become entitled for under clause 9 of the instructions dated 06.08.2013 and release the remaining amount after deducting the already paid amount. Let the order be complied with within a period of two months of the receipt of copy of this order.

7. The present writ petition is disposed of in above terms.

December 11, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No