2024:PHHC:157515

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

**234**

**CWP No.16729 of 2021**
**Date of decision: 28.11.2024**

A.R. Chahal

....Petitioner

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

**Present:** Mr. S.S. Patter, Advocate
for the petitioner.

Mr. Ravi Dutt Sharma, DAG, Haryana.

**NAMIT KUMAR J. (Oral)**

The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to reimburse the medical claims of the petitioner. Further a writ of certiorari has been sought for quashing the order dated 04.11.2016 (Annexure P-2), whereby the medical claim of the petitioner has been rejected.

Pursuance to notice of motion, written statement on behalf of respondents No.1 and 2 has been filed in the Court today and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

In Para 5 and 6 of the written statement, it has been stated as under:-

> *"5. That the petitioner filed the present writ petition in the year 2021, he did not submit the original medical bills for the indoor treatment taken by him for the period from*

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*08.07.2013 to 09.07.2013 and 27.09.2013. This office was not aware with the filing of present writ petition as the same was not received in the office, it came to the notice only when Advocate General, Haryana wrote a letter to this office on dated 17.07.2024 seeking the immediate filing of reply. The information was gathered and on acquiring the information it came to the notice that the petitioner has not submitted his bill in original and owing to this, the claim was not cleared. Therefore, this office has approached the petitioner and the counsel of petitioner requesting them to provide the duplicate medical bills, so that these would be submitted to Chief Medical Officer for issuance of necessary medical emergency certificate. The department on its own collected the medical bills from the counsel of the petitioner, though the medical bills are not complete, but it shows the discharge certificate and procedure followed by the hospital during the treatment. These papers were sent to Chief Medical Officer, Panchkula for verifying the emergency, so that payment would be released at the prescribed rates of PGI/AIIMS. The Chief Medical Officer, Panchkula vide its letter dated 02.09.2024 (**Annexure-R-3**) verified the emergency, upon that the petitioner was requested for submitting the details of medical expenses incurred by him after obtaining the same from the hospital. The petitioner didn't move, hence this office has deputed a gazzetted officer to Indraprastha Appollo Hsopital, New Delhi for collecting the detailed duplicate bills. The hospital authorities have denied stating that they will only provide the details to the patient or the family members of the patient. The petitioner was informed about the status vide this office letter dated 09.10.2024 (**Annexure R-4 colly**) but the petitioner is still not*

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*cooperating. Under the circumstances the department is not able to calculate the admissible amount to be payable to the petitioner. It is the petitioner himself who is responsible for delay in reimbursement of medical claims submitted by him. He is mixing two things in one and trying to get undue benefits of outdoor treatment under the garb of misplacement of bills.*

*6. That the department is ready to make admissible payment according to the Government instructions for the indoor treatment for the period from 08.07.2013 to 09.07.2013 and 27.09.2013, if the petitioner provides the duplicate detailed medical bills after getting the same signed from concerned medical authorities. There is no hitch in making payment for the indoor treatment taken by him on the rates as prescribed by the PGI/AIIMS as the Chief Medical Officer has verified the medical emergency which is necessary and must wanted pre-requisite condition. Therefore, petitioner may be directed to submit the detailed medical bills after getting the same from the Indraprastha Appollo Hospital, New Delhi, so that admissible payment would be made and for this purpose, if he requires any assistance, the department is ready to do so.*

*In view of the above submissions there is nothing substantive to be decided/adjudicated by this Hon'ble Court. May dispose off the present writ petition with the above directions to the petitioner, so that respondent would be able to pay the admissible amount to him."*

Learned State counsel submits that if the petitioner cooperates and provide duplicate medical bill(s) to the department, his

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claim of medical reimbursement shall be processed and finalized within a period of two months from the date of receipt of the necessary document.

In view of the above, it is directed that the petitioner shall submit the necessary duplicate medical bills or any other document required for the payment of medical reimbursement expeditiously not later than three weeks, to the department and, thereafter, the concerned department shall proceed for making payment of medical reimbursement bills of the petitioner as admissible in accordance with rules.

Necessary exercise shall be carried out by the respondent-department within a period of six weeks from the date of receipt of duplicate medical bills submitted by the petitioner.

Disposed of in the above terms.

**(NAMIT KUMAR)**
**JUDGE**

**28.11.2024**
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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