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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14546-2016
Date of decision: 06.03.2024

DHARAM PAL

...Petitioner

VERSUS

HAFED AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Raman B. Garg, Advocate and
Mr. Mayank Garg, Advocate
for the petitioner.

Mr. Ashok Singla, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay Rs.2,03,815/- to the petitioner on account of reimbursement of expenses on his medical treatment taken by him from 26.01.2014 to 28.01.2014, along with interest @ 12% per annum.
2. Learned counsel for the petitioner submitted that the petitioner was admitted to the hospital on 25.01.2014 in an emergency condition and thereafter, he had undergone Angiography at Patiala Heart Institute, Patiala. He further submitted that thereafter, the petitioner submitted bills of Rs.2,03,815/- to the respondent-HAFED but a meagre amount of Rs.58,924/- has been paid to the petitioner. He further submitted that the reason for non-release of the

medical reimbursement to the petitioner as so claimed by the respondent-HAFED in the reply was that the petitioner did not submit the bills and the bills which were submitted by the petitioner were of advance payments, which does not necessarily mean that the petitioner has undergone treatment and in the absence of any documents pertaining to the same, the same could not be given to the petitioner. He also submitted that in fact all the documents were supplied by the petitioner including all the bills to the respondent-HAFED and even the same have been attached along with the present petition.

3. He referred to Annexure P-8 to contend that it is a bill of the Patiala Heart Institute, Patiala, in which it is specifically stated that the bill was dated 28.01.2014, which was after the date of the admission of the petitioner and the date of discharge was 28.01.2014 and the money was paid by way of cash. He further submitted that a perusal of the aforesaid bill would also show that an amount of Rs.85,160/- has been received by the aforesaid Patiala Heart Institute, Patiala and the net payable balance amount was Rs.7,000/-. He further referred to Annexure P-28 to contend that thereafter, on the same day, remaining amount of Rs.7,000/- was paid to the Patiala Heart Institute, Patiala and regarding which specific receipt is attached as Annexure P-28 and in this way, the petitioner had paid an amount of Rs.92,500/- in total to the aforesaid Patiala Heart Institute, Patiala.

4. He further submitted that even if assumingly the aforesaid bills and receipts were not with the respondent-HAFED, the present petition has been filed in the year 2016 and along with the same, documents have been attached and they could have re-assessed and given the amount to the petitioner, which was not given to him despite the fact that the petition is pending since 2016. He

further submitted that so far as the remaining amount of about Rs.99,000/- for purchase of the stent for the purpose of inserting while he was subjected to Angioplasty is concerned, all the bills were supplied to respondent-HAFED but they have so stated in the reply that they did not receive the bills. However, the aforesaid bills have also been attached with the affidavit dated 27.11.2023 which later on was filed by the petitioner and all the bills are part of the present paper-book from Annexure P-12 to Annexure P-30. He further submitted that even if assumingly the bills were not with the respondent-HAFED but now the same has been attached along with the present petition, the respondent-HAFED should be directed to take into consideration the aforesaid bills and to re-assess the medical reimbursement of the petitioner and pay the same to the petitioner.

5. On the other hand, learned counsel for the respondents submitted that the petitioner was admitted in Patiala Heart Institute, Patiala, which is not an empanelled hospital and so far as the medical reimbursement of the petitioner is concerned, as per Regulation No.4 of the Reimbursement Policy, which has been so appended with the writ petition as Annexure P-9, in case an employee gets treatment from a non-empanelled hospital, then he is entitled for medical reimbursement only when he is admitted in a case of emergency and also the payment of reimbursement can be made only at PGI rates. He further submitted that in this way, at the most, the petitioner can be considered for the entitlement of the aforesaid bills, which he has now attached along with the present petition either in the petition itself or by way of an affidavit or replication at the PGI rates because even if the petitioner was admitted on emergency basis then the aforesaid hospital being a non-empanelled hospital, he is not entitled for the full reimbursement. He also submitted that the respondent-

HAFED will re-assess and re-consider the total bills which are now part of the present writ petition by taking a fresh decision in this regard and will access the medical reimbursement of the petitioner on the basis of PGI rates.

6. After hearing learned counsel for the parties, this Court is of the view that now since as per the learned counsel for the petitioner all the bills have been attached with the present petition and the learned counsel for the respondents has so stated that on the basis of the bills, which are part of the present petition, will be re-assessed by the respondents on the basis of PGI rates which are admissible to the petitioner because he was admitted in a non-empanelled hospital in an emergency condition, the present writ petition is disposed of with a direction to the respondents to take a fresh look on the basis of documents and the bills which have been attached with the present writ petition either in the writ petition itself or by way of an affidavit or any replication etc. and thereafter, to pay the balance amount, if any, to the petitioner, within a period of three months from today.

06.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No