



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

CWP-14462-2023 (O&M)
Date of Decision : 23-07-2024

VEER SINGH		Petitioner
	VERSUS	
STATE OF PUNJAB AND OTHERS		Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate with
 Ms. Divyajyot Mann, Advocate for the petitioner.

 Mr. Satnampreet Singh, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the prayer of the petitioner is for reimbursement of the medical expense which have been submitted as the petitioner and his son had undergone kidney transplant surgery at Fortis Hospital.

Learned counsel for the petitioner argues that the petitioner, who is a pensioner, is entitled for medical reimbursement of the treatment undergone by him as well as his family. The son of the petitioner is suffering from the chronic disease of kidney failure and was advised the kidney transplant. The petitioner opted to be the donor and the surgery took place on 10.08.2015.

Learned counsel for the petitioner submits that after the surgery of kidney transplant, the donor as well as the donee both have to get themselves medically checked up regularly so as to avoid any infection and ensure the transplant is successful and no complication arise.

Learned counsel for the petitioner further submits that for the said purpose, certain bills were submitted for the outdoor treatment undertaken upto the year 2017 amounting to Rs. 1,67,773/- and Rs.15,230/- for period of 18.05.2015 to 27.04.2016 and Rs.76,593/- for period of 15.04.2019 to 27.05.2019 and a sum of Rs.7600/- on 02.05.2019 was spent for indoor treatment. The petitioner had sought reimbursement for the same.

Learned counsel for the petitioner submits that although bill for indoor treatment has been sanctioned (as per affidavit) by the respondent but the reimbursement of the bills for outdoor treatment which have been denied on the ground that three of the bills which have been submitted relate to the medical expenses as an outdoor patient and the disease for which treatment has been taken has to be certified as a chronic disease by the Officer concerned before the treatment is undertaken whereas in case of the petitioner, he failed to get a medical certificate from the Government authorities stating that the petitioner and his son were being treated for a chronic disease as an outdoor patient and therefore, the reimbursement of bill qua treatment undertaken as outdoor patient has been declined.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The reimbursement of the medical bills is for the ailment of kidney failure of the son of the petitioner.

Learned State counsel has not been able to dispute a fact that the renal failure is a chronic disease even as per the list of chronic diseases issued by the State Government. The only objection being taken by the respondents to deny the reimbursement of medical expenses undertaken as an outdoor patient is that prior to undertaking the treatment as an outdoor patient, the petitioner should have got the certificate issued for the Department concerned that he and his son are taking treatment of the chronic disease and in the absence of any certificate issued, the reimbursement cannot be done.

The ground taken to deny the benefit is arbitrary and illegal. Once, the renal failure is a chronic disease even as per the list of chronic diseases issued by the State and the petitioner and his son have already undergone the kidney transplant operation after which, they have visited the OPD for follow up treatment and medical expenses therein are sought to be reimbursed, it cannot be said that the petitioner did not incurred the medical expenditure while getting treatment qua a chronic disease as an outdoor patient.

The bills submitted also relates to the treatment regarding the renal failure or post operation care to be taken of the donee as well as the donor, which in this case is the petitioner and his son. Therefore, in the facts and circumstances of the present case, when the petitioner has undertaken the outdoor treatment for a renal failure of his son, which is a chronic disease, denying the reimbursement of medical expenses incurred as an outdoor patient is arbitrary and illegal.

Accordingly, the respondent-Department is directed to reimburse the medical bill submitted by the petitioner within a period of four weeks from the receipt of certified copy of the order.

Present petition is allowed in abovestated terms.

Pending application, if any, also stand disposed off.

23-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO

Whether reportable: YES/NO