

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP No. 17111 of 2018
Date of Decision : 12.02.2024

Satyavir Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Sheoran, Advocate for
Mr. Manoj Sharma, 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 he was suffering from Cancer and was getting treatment but the medical expenses incurred by the petitioner have not been reimbursed by the respondent-State, which is totally arbitrary and illegal.
2. Learned counsel for the respondents submits that though the petitioner took treatment for a chronic disease but as the treatment taken by the petitioner was an outdoor patient, the same could not have been reimbursed by the respondent-State keeping in view the Instructions, which have been issued by the State of Haryana.
3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. It is a conceded position that the petitioner was suffering from a chronic disease i.e. Cancer for which, the petitioner had to take regular treatment, which also included as outdoor patient. The medical expenses incurred for getting the said treatment, are to be reimbursed by the State as treatment undertaken for a chronic disease is liable to be reimbursed. Nothing has come on record that the treatment taken for chronic diseases as an outdoor patient is not liable to be reimbursed.

5. Even otherwise, the Division Bench of this Court while passing order in CWP No. 3586 of 2007 titled as ***Raghuvir Prasad Mittal Vs. State of Haryana and others***, decided on 04.04.2008, has held that any treatment taken even if the same is taken as outdoor patient but for a chronic ailment, is liable to be reimbursed at the AIIMS rate.

6. Learned counsel for the respondents has not been able to rebut that the claim of the petitioner as raised in the present petition is covered by the judgment of the Division Bench of this Court in ***Raghuvir Prasad Mittal(supra)***.

7. Keeping in view the above, the claim of the petition is allowed. The respondents are directed to consider the claim of the petitioner for reimbursement of the medical expenses incurred by the petitioner while undertaking treatment for cancer as an outdoor patient and reimburse the same at the rate admissible in All India Institute of Medical Sciences, Delhi.

8. Let appropriate order with regard to the reimbursement of the claim be passed by the respondents within a period of eight weeks from the date of receipt of copy of this order.

February 12th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No