

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

(205)

CWP-2278-2016

Date of Decision : January 18, 2024

Ram Bhagat Sharma**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Anu Chatrath, Senior Advocate, with
Mr. Nikhil Singh, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the medical expenses incurred by the petitioner on the treatment of his wife are not being reimbursed by the respondents. The challenge is to the letter dated 09.04.2010 (Annexure P-16) as well as 01.12.2011 (Annexure P-18) by which, the reimbursement of the medical bills has been denied on the ground that the treatment which has been taken by the wife of the petitioner is from an unapproved hospital and that too for a chronic disease where facts does not show any emergency for treatment.

2. The facts as stated in the petition are that the petitioner was working as an Assistant Excise and Taxation Officer with the Government of Haryana. His wife, who was a house wife and was fully dependent upon the petitioner, was suffering from cancer and she was taken to Rajiv Gandhi

Cancer Institute and Research Centre, Delhi wherein, she was diagnosed with Cervix Cancer. She remained admitted in the said hospital from 05.09.2008 to 15.10.2008. As the condition of the wife of the petitioner did not improve while in Rajiv Gandhi Cancer Institute and Research Centre, Delhi, she was shifted to Artemis Health Institute, Sector 51, Gurgaon where she remained admitted from 30.10.2008 to 26.11.2008.

3. As per the averments made in the petition, the petitioner incurred a sum of Rs.2,56,855/- for treatment of his wife. Vide impugned order dated 09.04.2010 (Annexure P-16) and 01.12.2011 (Annexure P-18) respectively, the reimbursement of the said medical bills have been declined by the respondents on the ground that the hospital where the wife of the petitioner had undertaken treatment, was not approved hospital for chronic disease and that his wife was not in emergent situation hence, no benefit of reimbursement can be given to the petitioner, which order are under challenge in the present writ petition.

4. Learned senior counsel for the petitioner argues that once it is a clear case of chronic disease i.e. Cancer, the treatment which has been taken by the wife of the petitioner is to be presumed in emergent situation. Learned senior counsel for the petitioner submits that keeping in view the fact that cancer patient can require treatment at any given point of time keeping in view the health status hence, the treatment so undertaken is to be treated as emergent in nature hence, rejecting the claim of the petitioner for medical reimbursement by terming the treatment as non emergent is totally arbitrary and illegal.

5. Learned counsel for the respondents submits that the factum shows that all the treatment taken was not indoor treatment but some of the treatment was outdoor also and therefore, the opinion given by the Medical

Board in the present case is that the treatment was not emergent in nature so as to reimburse the medical bills is correct.

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

7. Once a person is suffering from a disease like cancer, any sudden development in health can turn the situation in a critical situation. The patient cannot wait to seek approval from the Medical Board before getting admitted to a nearby hospital for the treatment. Once, a particular hospital starts the treatment, then shifting of the treatment in between is also not advisable. Keeping in view the conceded fact that the wife of the petitioner was suffering from cervical cancer, the same has to be treated as emergent especially when it is not a case of the respondent that wife of the petitioner did not remain indoor patient continuously for a long time or was not getting the treatment, reimbursement of which is being sought for. Hence, keeping in view the facts and circumstances mentioned hereinbefore, the decision which has been taken by the respondents to treat the claim of the petitioner as a treatment taken in a non-emergent situation, is totally arbitrary and illegal without going into the factual aspect hence, the same is set aside and the treatment taken by the wife of the petitioner is to be treated as a treatment taken in an emergent situation.

8. The question now arises as to how much reimbursement the petitioner will be entitled for.

9. As per the instructions which have been issued by the Government of Haryana, any treatment which has been taken in an emergent situation from an unapproved hospital, the PGI rates of treatment are to be reimbursed and where the treatment has been taken in an approved hospital, the same has to be approved as it is.

10. In the present case, some of the treatment undertaken by the wife of the petitioner is in non-approved hospital whereas, some of the treatment has been taken in an approved hospital. Therefore, direction is issued to the respondents to grant the petitioner the benefit of reimbursement by scrutinizing the fact that for the medical reimbursement of the treatment taken in an unapproved hospital, the same be approved at PGI rates whereas, the treatment taken in an approved hospital, the medical reimbursement be done in accordance with law as given to the other employees.

11. Learned senior counsel for the petitioner submits that bills which were submitted by the petitioners, have already been returned.

12. Let the petitioner submit the total bills for which the reimbursement is being sought by way of representation within a period of four weeks from today and the respondents are directed to scrutinize the same and allow the medical reimbursement in terms of the present order within a further period of eight weeks of receiving the said representation.

13. The present writ petition is allowed in above terms.

January 18, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No