

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-20514-2018 (O&M)
Decided on : 29.04.2024

RISAL SINGH KHARA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Aftab Singh Khara, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In present petition, the grievance being raised by the petitioner is that the petitioner has been declined the benefit of reimbursement of the medical bills by order dated 10.11.2016 (Annexure P-1) on the ground that the treatment taken by the petitioner was from an unapproved hospital and treatment taken was not in an emergent situation.

As per the learned counsel for the petitioner, the petitioner suffered a severe pain in the back of the body for which, the surgery was essential to be done, and under unbearable pain he was admitted in the Forties Memorial Research Institute, Gurugram, where he had taken the treatment, but the said treatment has wrongly been opined to be not in an emergent situation so as to reimburse the medical bills to the petitioner.

Learned counsel for the respondents submits that the reimbursement of the medical bill amounting to Rs. 3,79,945/- is only being claimed qua the surgery which the petitioner got done for his back body pain and the competent authority vide impugned order dated 10.11.2016 (Annexure P-1) had already mentioned that the said surgery was not in emergent situation and hence, any treatment taken from an unapproved

hospital and that too not in an emergent situation, no reimbursement is maintainable.

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

It may be noticed that an injury to the spine, for which the reimbursement was declined by the respondents, while passing order in **CWP No. 12301 of 2016 titled as Narinder v. State of Haryana and others, decided on 04.04.2022,** the Co-ordinate Bench of this Court has held that any treatment taken for a spine injury, even from an unapproved hospital, is to be treated as treatment taken in an emergent situation. The benefit of reimbursement was allowed in case of **Narinder' s case (Supra)**. In the present case also, the treatment which has been taken by the petitioner relating to the injury in spine for which the petitioner was operated upon. Once, the petitioner was operated upon qua the spine injury which has already been treated as emergent situation in **Narinder' s case (Supra)**, the opinion of Doctors vide letter dated 30.08.2016 (Annexure P-1) can not be sustained in the light of the judgment passed by the Co-ordinate Bench of this Court in **Narinder' s case (Supra)**.

As per the instructions issued by the respondents themselves that any treatment taken into in an emergent situation from an unapproved hospital, the reimbursement of medical bills at PGI rate is to be allowed, hence, the claim of the petitioner is allowed to the extent that the treatment taken by the petitioner is to be treated as treatment taken into an emergent situation and the claim of reimbursement of his medical bills be decided in accordance with the instructions as per the approved rate admissible at PGI / AIIMS New Delhi.

Let the present order be complied within the period of **eight**

weeks from the receipt of copy of this order and the reimbursement amount for which the petitioner becomes entitled for be released to him within the further period of four weeks.

Accordingly, the present petition is allowed in above terms.

Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

29.04.2024
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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No