



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

LPA No.1187 of 2025 (O&M)

Date of Decision: 30.04.2025

State of Haryana and another

.....Appellant.

Versus

Subhash Chander

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Vivek Chauhan, Addl. A.G, Haryana
 for the appellant.

Mr. Amandeep Vashisth, Advocate
for the respondent-Caveator.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.2906-LPA of 2025

For the reasons stated in the present application, the same is allowed and the delay of 90 days in filing the appeal is condoned.

LPA No.1187 of 2025

1. This is an appeal preferred by the respondents assailing the judgment dated 04.12.2024 passed by the learned Single Judge in *CWP No.8870 of 2024* titled as “*Subhash Chander Versus State of Haryana and another*”, whereby the learned Single Judge has disposed of the writ petition preferred by the petitioner claiming reimbursement of expenses incurred by him on treatment of dead donor liver transplant which



conducted in emergency situation at Manipal Hospital, Bengaluru, which is stated to be a panel hospital of Karnataka State Government. The expenses in the package were incurred of Rs.24 lacs. The appellants have to pay the amount of Rs.10 lacs as reimbursement based on an assessment that if the treatment would have been conducted at PGI, the amount would have worked out to a sum of Rs.10 lacs. In the first round of litigation in **CWP No.13165 of 2017**, learned Single Judge held the action of reimbursement of amount of Rs.10 lacs as unjustified with a direction to re-examine the case of the respondent whereafter the State authorities passed an order on 06.02.2024 holding the respondent to be entitled to a sum of Rs.11 lacs in terms of the Policy dated 03.10.2017, aggrieved whereof the petition was preferred before this Court claiming full reimbursement.

2. Learned counsel appearing for the appellants submits that full medical reimbursement could not have been awarded as even as per the earlier Policy of 2005, it was for the State authorities to examine as to the amount which could be paid. He has also taken us to the Package taken by the respondent to submit that it is on much higher side.

3. We find that in the case of “**Anita Chaudhary Versus State of Haryana and others**”, **CWP No.2792 of 2023**, which also involved liver transplant, the High Court allowed the petition. Similarly, in the case of “**Roshan Lal Garg Vs. State of Haryana and others**”, **CWP No.19105 of 2021**, the High Court has allowed the petition on 08.07.2024 and in “**Kamla Devi Vs. State of Haryana and others**”, **CWP No.10015 of 2015** also, similar view has been taken. In “**Sandeep Kumar Vs. State of**



Haryana and others”, CWP No.138 of 2020, the full reimbursement had been directed to be paid to the concerned petitioner. No appeal has been preferred with regard to the above-said cases.

4. In “**Shiva Kant Jha Versus Union of India**”, **Writ Petition (Civil) No.694 of 2015**, decided on 13.04.2018, the Hon’ble Supreme Court has laid down that in an emergency situation, the expenses incurred by the Government servant are reimbursable. It is an admitted position that the treatment of liver transplant was not available in the PGIMER, Chandigarh at the relevant time and therefore, there is no occasion to compare the expenses incurred by the respondent.

5. We, therefore, do not find any reason to take a different view. The appeal is found to be lacking in merits and the same is, accordingly, dismissed.

6. Pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

April 30, 2025
Yag Dutt

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