



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

**CWP No.20137 of 2025
Reserved on: 08.08.2025
Pronounced on: 21.08.2025**

Vibhas Narwal

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. R.K. Sawariya, Advocate
for Mr. Sukhdeep Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the impugned order dated 03.06.2025 (Annexure P-14) whereby the respondents have has sanctioned and reimbursed only Rs.12,046/- against the total medical bills of Rs.1,33,686/- incurred by the petitioner on the delivery and treatment of his wife in emergency situation from 21.07.2024 to 26.07.2024. Further a writ of mandamus has been sought, directing the respondents to reimburse the medical bills of Rs.1,33,686/- incurred by the petitioner on the delivery and treatment of his wife from 21.07.2024 to 26.07.2024 along with interest



@ 18% per annum thereon for the delayed payment from due date to the actual payment.

2. The brief facts of the case are that the petitioner is employed as an Assistant Sub Station Attendant (ASSA) in Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), presently posted at Sub Urban Sub-Division, Safidon (District Jind). The petitioner's wife, who was in the advanced stage of pregnancy, had been residing with the petitioner's parents at their residence in Dehradun, Uttarakhand, to receive proper care in anticipation of delivery. On 21.07.2024, she experienced sudden and acute abdominal pain accompanied by bleeding, and was immediately admitted to Graphic Era Hospital, Dhoolkot, Dehradun, in an emergency condition. The attending medical professionals diagnosed a complicated pregnancy and conducted a cesarean delivery the same day. She remained admitted along with her newborn daughter till 26.07.2024. The petitioner incurred a total medical expense of Rs.1,33,686/-, comprising Rs.75,480/- for the treatment and operation of his wife and Rs.58,206/- for the neonatal care of his daughter. The petitioner submitted all requisite documents, including the emergency certificate, discharge summaries, detailed bills, and the essentiality certificate duly verified by the treating doctors. The petitioner also furnished an affidavit affirming that his wife is wholly dependent upon him and has no independent source of income. However, vide the impugned order dated 03.06.2025, the respondents sanctioned only Rs.12,046/- out of the total claim, stating that the



remaining amount was not reimbursable as per the standing instructions of the Nigam.

3. Learned counsel for the petitioner contended that the treatment was necessitated by an acute emergency, and that the petitioner had no option but to admit his wife in the nearest hospital equipped to deal with such obstetric emergencies. He argued that the delay or refusal to reimburse the actual medical expenses incurred in genuine emergencies not only causes undue financial hardship to government employees but also amounts to a violation of their fundamental rights under Article 21 of the Constitution of India. Learned counsel placed reliance upon the judgment of a Coordinate Bench of this Court in **CWP No. 10669 of 2017, *Raghubir Singh vs. Chief Administrator and others***, where the Court allowed full medical reimbursement in similar circumstances by relying on the binding precedent of the Hon'ble Supreme Court in ***Shiva Kant Jha vs. Union of India, (2018) 16 SCC 187***. He submitted that the Hon'ble Apex Court had held that reimbursement cannot be denied solely on the ground that treatment was taken from a non-empanelled hospital, particularly in emergency situations where the life and health of the patient are at stake.

4. Learned counsel for the petitioner further submitted that the respondents have failed to produce any clear and cogent rule or circular that would justify limiting reimbursement to a token amount in such genuine and undisputed emergencies. He emphasised that merely



referring to “standing instructions” without disclosing the same renders the impugned order arbitrary and unsustainable.

5. *Per contra*, learned counsel for the respondents did not dispute the fact that the petitioner’s wife was admitted in an emergency condition and that treatment was rendered at a non-empanelled hospital. However, he submitted that the reimbursement was made in accordance with the applicable policy of the Government/Nigam, which permits reimbursement only when treatment was undergone in PGI, Chandigarh or CGHS and at approved rates when treatment is taken at unempaneled hospitals even in, emergency. He further submitted that the sanction of Rs.12,046/- was in accordance with this policy and cannot be faulted with.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. Undisputedly, the petitioner’s wife was admitted and treated at Graphic Era Hospital, Dhoolkot, Dehradun, which is not empanelled with the respondent-Nigam, as also indicated by emergency admission certificate dated 26.07.2024(Annexure P-3). An expenditure of Rs.1,33,686/- was incurred for safe delivery and neonatal care of the newborn child as well as the necessary care of the petitioner’s wife.

8. The claim for medical reimbursement ought not to be dismissed merely because the patient underwent treatment in a non-empanelled hospital. In such cases, the test of essentiality and



emergency comes into play, which dictates that if the medical procedure was undergone by the claimant in an emergency, on the advice of a doctor based on his medical record, in order to save his life, the reimbursement for the same must be made. Not only is the preservation of human life instinctive, but it also forms a part of Article 21 of the Constitution of India, and therefore, it shall always retain the highest priority.

9. Moreover, the State bears an obligation to ensure the availability of timely medical care to those in need. As such, it cannot expect the citizens to refrain from availing timely care, merely for the reason of non-empanelment of the hospital. Such conduct on the part of the State does not satisfy the criteria of fairness and reasonableness and therefore, amounts to a violation of the fundamental rights enshrined in Article 21 of the Constitution of India. Reliance in this regard can be placed on the judgments rendered by a two Judge bench of the Hon'ble Supreme Court in ***Surjit Singh vs. State of Punjab and others(1996) 2 SCC 336***, whereby, speaking through Justice M.M. Punchhi, the following was opined:

“8. The policy, providing recognition for treatment of open heart surgery in the Escorts, specifically came to be examined by a Division Bench of the Punjab and Haryana High Court at Chandigarh in C.W.P. No. 13493 of 1992 titled as Sadhu R. Pall v. State of Punjab through Secretary, Health and Family Welfare Punjab, Civil Secretariat, Chandigarh and others, 1994(1) SCT 552 (P&H). decided on 6.10.1993, wherein the claim of the then writ petitioner to medical reimbursement was accepted when in order to save his life he had got himself operated upon in the Escorts, and the plea of the State that he could be paid rates as prevalent in the AIIMS was rejected. Special Leave



Petition No. 22024 of 1995 against the said decision was dismissed by this Court on 2.2.1994. The other judgments of the High Court following the decision in Sadhu R. Pall's case are:

(1) C.W.P. No. 18562 of 1992 decided on 10.5.95 titled K.L. Kohli v. State of Punjab and others, 1995(4) SCT 280 (P&H);

(2) C.W.P. No. 260 of 1995, decided on 30.5.1995 titled Ravi Mohan Duggal v. State of Punjab and others (DB)

(3) C.W.P. No. 5669 of 1994 decided on 4.9.94 titled Prem Singh Gill v. State of Punjab and others;

(4) 1995(4) SCT 816 (P&H) : 1995 (III) Punjab Law Report 529 titled Tarlok Chander v. State of Punjab etc. (SB); and

(5) 1996(2) SCT 148 (P&H) : 1995 (III), Punjab Law Reporter 682 titled Mrs. Surya Pandit v. State of Punjab and others (SB)

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10. It is otherwise important to bear in mind that self preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the Constitution of India , fundamental in nature, sacred, precious and inviolable. The importance and validity of the duty and right to self-preservation has a species in the right of self defence in criminal law...

11. The appellant therefore had the right to take steps in self preservation. He did not have to stand in queue before the Medical Board, the manning and assembling of which, bare-facedly, makes its meetings difficult to happen. The appellant also did not have to stand in queue in the Government hospital of AIIMS and could go elsewhere to an alternate hospital as per policy. When the State itself has brought the Escorts on the recognised list, it is futile for it to contend that the appellant could in no event have gone to the Escorts and his claim cannot on that basis be allowed, on suppositions. We think to the contrary..."

10. While this Court can sympathise with the fact that in cases of emergency, the patient or his relatives do not have the luxury to



verify the empanelment status of hospitals, in order to claim medical reimbursement, the test of essentiality and emergency must be satisfied. In that context, nothing on the record indicates that the petitioner’s wife was admitted and the child was delivered under circumstances that required immediate medical attention in order to save the life of the mother and the child. Learned counsel for the petitioner could not controvert the fact that although the delivery was through a cesarean section, the same happened at the expected date after 35 weeks of pregnancy. The matter at hand is neither a case of premature delivery nor fetal distress.

11. As such, this Court is of the considered opinion that the test of essentiality and emergency does not stand satisfied. Accordingly, the present writ petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

21.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No