



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

242

**CWP-26762-2021 (O & M)**  
**Date of Decision: 29.01.2025**

Balbir Singh Gill

.....Petitioner(s)

Versus

Union of India and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. S.S. Duhan, Advocate,  
for the petitioner.

Mr. Sudhir Nar, Sr. Panel Counsel,  
for Union of India.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition filed under Article 226 of the Constitution of India is seeking setting aside of communication dated 08.09.2021 (Annexure P-4) whereby respondent has rejected his medical claim. He is further seeking direction to respondents to reimburse his medical expenses to the tune of Rs.23,29,351/-.

2. The petitioner's wife was suffering from cardiac disease. She was examined by PGIMER. On account of Covid-19 pandemic, concerned Doctor refused to treat her and she was in urgent need of replacement of heart valve. Dr. Bali of Paras Hospital advised her replacement of heart valve under Tri Valve Transcatheter Bicaval Valve with Delivery System. The petitioner's wife underwent surgery. They had to bear medical expenses to the tune of



respondent-PGI. His claim came to be rejected on the ground that patient has got operated at her own will from outside PGI.

3. Mr. S.S. Duhan, learned counsel for the petitioner submits that petitioner's wife had to undergo surgery from private hospital because concerned Doctor of PGI refused to treat on account of Covid-19 pandemic. The respondent in its reply has accepted the said fact. Under compelled circumstances, petitioner's wife got treatment from outside hospital.

4. Mr. Sudhir Nar does not dispute the afore-stated factual position, however, submits that as per Circular issued by competent authority, the petitioner was bound to get treatment from PGIMER and in any case PGI is not liable to reimburse expenses beyond the prescribed limit.

5. The petitioner's wife got treatment from a hospital other than PGI because PGI refused to treat on account of Covid-19 pandemic. She was in urgent need of treatment. The treatment could not be deferred, thus, she got treatment from outside PGI. The Circular does not contemplate situation arising out of pandemic like Covid-19. The respondent is bound to consider claim of the petitioner as per norms. The case of petitioner should be treated as if patient got treatment from outside with the consent of PGI.

6. The needful shall be done within three months from today.

7. Disposed of.

8. Pending application, if any, shall also stand disposed of.

29.01.2025  
shivani

(JAGMOHAN BANSAL)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes  
No