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

CWP-26157-2024

Date of decision: 28.10.2025

Smt. Prema Devi

....Petitioner

Versus

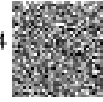
Dakshin Haryana Bijli Vitran Nigam Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Chanderkant Tyagi, Advocate and
Mr. Dinesh Pratap Singh, Advocate
for the petitioner.Ms. Rajni Gupta, Advocate
for the respondents.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to sanction and accordingly reimburse the medical claim/bill amount within a time bound manner.

2. Learned counsel for the petitioner *inter alia* contends that petitioner after the retirement of her husband settled at their native place in District Partapgarh in the State of Uttar Pradesh. After the death of her husband on 07.11.2012, the petitioner was given family pension. The petitioner, on 31.01.2023 unfortunately fell down at her home due to which she suffered a fracture in her right hip and she was admitted in Virender Hospital, Civil Lines, Prayag Raj, Uttar Pradesh and a surgery was performed on the same day and she was hospitalized till 12.02.2023. The petitioner has incurred an

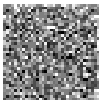
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expenditure of Rs.1,91,300/- on her treatment. Thereafter, in the month of March, 2023, the petitioner submitted her application form along with all original bills and requisite documents with respondent No.2. Subsequently, the respondents misplaced the original documents submitted by the petitioner during the official transit and petitioner supplied the copy of the documents again. The name of the petitioner was kept pending on one pretext or the other. The petitioner has duly supplied the essential certificates. The right to health is a constitutional right protected under Article 21 of the Constitution of India, as such, the respondents are under obligation to reimburse the amount to the petitioner she spent on her treatment.

3. Per contra, learned counsel for the respondent-Corporation submits that all admissible dues amounting to Rs.85,815/- have been paid to the petitioner on 23.12.2024. Further, it is not a case that the petitioner was hospitalized in an emergency condition due to a life threatening disease and a procedure was performed upon her in order to preserve her life.

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

5. The claim for medical reimbursement ought not to be dismissed merely because the claimant underwent treatment in a non-empanelled. 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.

6. However, in the present case, the petitioner suffered a fall on 31.01.2023 resulting in a fracture of the right hip, for which a hip revision surgery was performed. In view of the facts and circumstances brought on record, the present case does not satisfy the test of essentiality and emergency as contemplated above and thus, the civil writ petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

28.10.2025
Neha

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