



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-24645-2023 (O&M)
Date of decision: 26.08.2025

Varinder Kumar Sapra

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Verma, Advocate
with Ms. Rajvinder Kaur, Advocate
for the petitioner.

Mr. Arun Kumar Singla, AAG, Haryana.

Mr. Sandeep Singh Mann, Advocate
for respondent No.2.

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 mandamus, directing respondent No.2 to reimburse an amount of Rs.1,14,717/-, which has been illegally deducted while reimbursing the medical claim dated 07.04.2023 (Annexure P-2) of the petitioner.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was suffering from Severe Calcific Aortic Stenosis and Severe Left Ventricular Systolic Dysfunction and as such, he was advised to undergo Coronary Angiography and Aortic Valve Replacement from Fortis Hospital, Mohali. The petitioner had to undergo the surgery immediately in order to save his life. The petitioner



was admitted in Fortis Hospital, Mohali, on 05.03.2023 and surgery was conducted on 09.03.2023. Thereafter, due to certain complications, no proper outcome of the Rhythm came and the petitioner remained hospitalized for a period of 17 days and he was given high cost injections. As such, at the time of discharge of the petitioner, he was charged Rs.4,11,841/- instead of package of Rs.2,90,000/-. Learned counsel for the petitioner refers to the Policy dated 14.07.2020 (Annexure P-4) and submits that Clause 2(c)(ix) states that if the beneficiary has to stay in the hospital for his/her recovery for a period more than the period covered in package rate, in exceptional case, supported by relevant medical record and certified as such by hospital, the additional reimbursement be allowed. He further refers to Clause 4(a)(iv) in which the definition of high cost injection is given. As such, the case of the petitioner is squarely covered under the applicable Policy.

3. Learned counsel for respondent No.2, on the other hand, submits that the reimbursement has been made to the petitioner in terms of the applicable Policy, however, certain claim of the petitioner is pending and clarification has been sought vide letter dated 04.07.2023 from the CEO, Fortis Hospital.

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

5. The petitioner's claim for medical reimbursement cannot be denied or reduced solely because the treatment cost exceeded the



standard package or involved high-cost injections. The medical records establish that the petitioner underwent urgent, life-saving surgery and subsequently experienced complications necessitating a prolonged hospital stay, thereby justifying additional expenses beyond the package limit. The applicable policy explicitly allows such additional reimbursement in exceptional cases when supported by hospital certification. 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. 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. 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...”

7. In the matter at hand, the petitioner underwent the Coronary Angiography and Aortic Valve Replacement procedure, which was necessary at that moment in order to save his life, as also depicted by the medical record. The petitioner also suffered certain complications after the treatment, necessitating a prolonged hospital stay and he was administered high cost injections and therefore, the test of essentiality and emergency stands satisfied.

8. Accordingly, the present petition is allowed. The respondents are directed to reimburse the petitioner the remaining amount of Rs.1,14,717/- which was illegally deducted from the medical claim dated 07.04.2023, within a period of three months from the date of receiving the certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

26.08.2025

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