



CWP-31691-2024 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.214

CWP-31691-2024 (O&M)

Date of Decision : 17.10.2025

Ram Mehar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akshat Dalal, Advocate,
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. S.K.Verma, Advocate,
for respondents No.2 to 4.

HARPREET SINGH BRAR, J. (Oral)

The petitioner through the instant writ petition filed under Articles 226/227 of the Constitution of India has sought quashing of the impugned order dated 24.10.2024 whereby the claim of only ₹ 2,15,884/- was reimbursed out of the total medical claim of ₹ 8,80,943/- and sought disbursal of the entire claim.

2. Learned counsel for the petitioner, *inter alia*, contends that on 24.12.2023, the petitioner's wife suffered a life-threatening ruptured Distal Anterior Cerebral Artery Aneurysm with Subarachnoid Hemorrhage and she was admitted in an emergency to BLK Max Super Speciality Hospital where lifesaving neurosurgery including Right Frontal Craniotomy with



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Microsurgical Clippings of Aneurysm was performed. Despite submitting all necessary documents including the initial assessment report and CT Scan report (Annexures P-1 and P-2), the discharge summary (Annexure P-3), medical bills of ₹ 8,80,943/- (Annexure P-4), an essentiality certificate (Annexure P-5), an application for full reimbursement (Annexure P-6) and emergency certifications issued by the Civil Surgeon, Rohtak and the hospital (Annexure P-7), the respondents partially reimbursed the amount citing the non-empanelment of the hospital. The petitioner's subsequent application dated 19.09.2024 seeking the remaining reimbursement was rejected arbitrarily without reference to any statutory provisions as evidenced by the impugned order dated 24.10.2024 (Annexure P-9). The denial of full reimbursement is in gross violation of judicial precedents including *Raj Kumar Garg v. Haryana State Agricultural Marketing Board CWP-4800-2024* wherein it was held that in emergency conditions, denying reimbursement due to non-empanelment is inhuman. Similarly, Hon'ble Supreme Court in *Shiva Kant Jha v. Union of India 2018 (2) SCT 529* and Delhi High Court in *Union of India v. Joginder Singh (2023) SCC Online Del 2707* emphasized that the right to health is integral to the right to life under Article 21 of the Constitution and that reimbursement cannot be denied on technical grounds if treatment is duly substantiated by records. The respondent's actions are arbitrary, unjust and violative of the constitutional rights of the petitioner's compelling him to approach this Hon'ble Court for redress.

3. *Per contra*, learned State counsel submits that the treatment obtained by the wife of the petitioner from the empanelled hospital has been



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processed under the applicable policy and an amount of ₹ 2,15,884/- has been paid as per rules. The balance amount of ₹ 6,65,000/- cannot be reimbursed as the same is not covered under this policy. The bill regarding the aforementioned amount pertains to a non-empanelled hospital.

4. Having heard learned counsel for the parties, it transpires that the wife of the petitioner suffered a life threatening brain hemorrhage on 24.12.2023 and she was admitted in emergency in BLK-Max Super Speciality Hospital in order to save her life. The life saving neurosurgery was performed on the wife of the petitioner and the petitioner has duly supplied the medical record and the medical bills along with essentiality certificate (Annexure P-5).

4. 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.

5. 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



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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 v. 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

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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... ”

5. In the matter at hand, the petitioner’s wife underwent life saving neurosurgery procedure, which was necessary at that moment in order to save her life, as also depicted by her medical record. Therefore, the test of essentiality and emergency stands satisfied.

6. Accordingly, the present petition is allowed. The respondent is directed to reimburse the balance amount of ₹ 6,65,000/- to the petitioner for the medical procedure undergone by his wife along with interest @ 6% per annum from the date of filing of the present petition till actual realization within a period of 3 months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

October 17, 2025
Paritosh Kumar

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