



CWP-1300-2020

:1:

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

244

**CWP-1300-2020 (O&M)
Date of decision : 28.04.2026**

SUDHIR KUMAR (SINCE DECEASED) THROUGH HIS LR

..... Petitioner

VERSUS

DIRECTOR GENERAL OF POLICE AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Harsh Yadav, Advocate for
Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner i.e. the legal heir of deceased Sudhir Kumar is praying for issuance of a direction to the respondents to reimburse the medical bills of the petitioner for his treatment.

2. Brief facts of the case are that the petitioner is a retired official of the Haryana Police. The petitioner is a patient of a chronic disease and is suffering from severe anemia (HB 5.2) with deranged renal function (Creatinine 4.2). The petitioner was admitted at Indraprastha Apollo Hospital, New Delhi and remained under treatment from 21.06.2018 to 26.06.2018. The petitioner duly submitted his medical bills for

**CWP-1300-2020****:2:**

reimbursement in the office of respondent No.3. An objection was raised by respondent No.3, in regard to providing emergency certificate. The petitioner approached the hospital for the same and the hospital issued an emergency certificate dated 10.11.2018 (Annexure P-5) stating that the petitioner was admitted in the case of emergency. However, later on, the petitioner was asked to get the said emergency certificate from the Civil Surgeon, Jhajjar. In pursuance to the above said direction, the petitioner approached the Civil Surgeon, Jhajjar, who issued a letter/certificate dated 30.11.2018 (Annexure P-6), stating that the petitioner was not admitted under emergency situation. Taking into consideration the above said letter/certificate dated 30.11.2018 (Annexure P-6), the medical reimbursement claim of the petitioner was rejected. Aggrieved against the action of respondents in not releasing the amount of medical reimbursement as claimed by the petitioner on account of his treatment for the period from 21.06.2018 to 26.06.2018, the petitioner has filed the present writ petition.

3. Learned counsel appearing on behalf of petitioner submits that a perusal of the emergency certificate dated 10.11.2018 (Annexure P-5) would show that the petitioner was admitted to the Indraprastha Apollo Hospital, New Delhi on 21.06.2018 in emergency, as such, the petitioner is entitled for grant of medical reimbursement of the medical bills submitted by the petitioner amounting to Rs.1,63,812/-.

4. Learned State counsel submits that in light of the medical reimbursement policy of the State Government, reimbursement for treatment taken in an unapproved hospital is allowed equal to PGI rates with the

**CWP-1300-2020****:3:**

approval of administrative department. It is also the case of learned State counsel that the above said reimbursement is only given in the case of emergency. He submits that as it was not a case of emergency in the case of petitioner in light of the letter/certificate dated 30.11.2018 (Annexure P-6) issued by the Civil Surgeon, Jhajjar, as such, the respondent has rightly not accepted the claim of the petitioner for grant of medical reimbursement as claimed by the petitioner of his treatment.

5. After hearing learned counsel for the parties at some length, the issue involved in the present writ petition is whether the petitioner was admitted in an emergency and is entitled for grant of medical reimbursement as claimed by him.

6. A perusal of the facts of the present case would show that it is not in dispute that the petitioner is suffering from a chronic disease. It is also not in dispute that the petitioner was admitted in the hospital on 21.06.2018 and was discharged on 26.06.2018. A perusal of the certificate issued by the hospital dated 10.11.2018 (Annexure P-5) would show that the petitioner was admitted in emergency for evaluation and management.

7. On the other hand, a perusal of the letter/certificate dated 30.11.2018 (Annexure P-6) issued by Civil Surgeon, Jhajjar would show that the petitioner was not admitted for treatment under an emergency situation. The issue in regard to whether the certificate issued by the concerned/ treating doctor of a hospital would have preference over any other opinion given by the doctors of the department is concerned, similar issue came up for consideration before the Co-ordinate Bench of this Court in **CWP-8450**



CWP-1300-2020

:4:

of 2023 titled as 'Krishan Lal Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and another, decided on 17.05.2024. In the above said case, it was held held that the certificate issued by the concerned doctor of the hospital who has given the treatment will always have a precedence over the opinion given by the doctors of the department. It has also been held that it is the duty of the department to consider the certificate issued by the concerned/ treating doctor of the hospital rather than relying on the opinion of internal doctors.

8. In light of the above said judgment passed by the co-ordinate Bench in **Krishan Lal's case** (supra), the certificate issued by the concerned hospital will prevail over the opinion/letter given by the Civil Surgeon, Jhajjar dated 30.11.2018 (Annexure P-6) and as such, it is held that the petitioner was admitted in emergency in the hospital.

9. Taking into consideration the fact that petitioner was admitted in emergency in the hospital, the petitioner is held entitled for grant of medical reimbursement as claimed. Hon'ble the Supreme Court in '**Suman Rakheja Vs. State of Haryana and another', 2004 (13) SCC 562**, has held that in emergency cases, employees are entitled to get refund of amount of 100% medical reimbursement expenses at the AIIMS rates and 75% of expenditure in excess thereto.

10. In light of the judgment passed by Hon'ble the Supreme Court in **Suman Rakheja's case** (supra), the petitioner is held entitled for grant of 100% medical reimbursement at PGI rates and 75% of the expenditure in excess thereto. The respondents are directed to release the admissible



CWP-1300-2020 :5:

amount of medical reimbursement to the petitioner i.e. the legal heir of deceased Sudhir Kumar within a period of 04 weeks from the date of receipt of certified copy of this order.

- 11. The writ petition is allowed in above said terms.
- 12. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

28.04.2026
Rimpal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No