

2026:PHHC:007627



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

**CWP-6049-2023 (O&M)
DECIDED ON:16.01.2026**

SURESH KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satish Garg, Advocate
for the petitioner

Mr. R.D. Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**Prayer**

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing of the impugned order dated 18.05.2020 (P-4) to the extent that out of total claim of Rs. 4,63,770/-, Rs. 4,20,766/- has been denied to the petitioner for emergency operation of the wife of the petitioner without assigning any reasons for denial of full medical reimbursement.

Brief Facts

2. The petitioner, Sh. Suresh Kumar, incurred medical expenses for the emergency treatment of his wife, Smt. Poonam, at Indraprastha Apollo Hospital,

Sarita Vihar, Delhi. She was admitted in a critical condition to the Obstetrics and Gynecology department, and during the surgery, her uterus and gallbladder were removed, and her hernia was also operated upon. The treatment was urgent, and there was no time to approach an empanelled hospital or seek prior approval. The petitioner submitted a claim of Rs. 4,63,770.51 to the Sub Divisional Officer (Civil), Karnal, for reimbursement of the medical expenses. The Sub Divisional Officer forwarded the bills to the Civil Surgeon, Karnal, who objected on 12.01.2015 that Apollo Hospital was not empanelled and that an emergency certificate was required.

3. The petitioner was informed of this requirement on 21.01.2015. Promptly, he applied for the emergency certificate, which was issued by the Civil Surgeon, Karnal, on 19.08.2015. The certificate was attached to the medical bills and resubmitted to the Sub Divisional Officer on 06.11.2015. Despite repeated reminders by the petitioner through letters dated 28.01.2016 and 30.09.2016, the authorities delayed processing the claim. The Sub Divisional Officer informed the petitioner that the bills had been sent to the office of the Director General, Health Services, Haryana, Panchkula.

4. On 10.01.2017, the petitioner was asked to remove certain objections on the bills, which he promptly complied with. However, no further action was taken by the authorities, leaving the petitioner with no administrative remedy. The petitioner earlier filed a Civil Writ Petition (CWP No. 6846 of 2017) in the Punjab and Haryana High Court, which was withdrawn on 22.07.2019 with liberty to file a fresh petition. Meanwhile, out of the total claimed amount of Rs. 4,63,770.51, only Rs. 43,005 was sanctioned by the authorities vide Annexure P-4 dated 18.05.2020. The authorities did not provide any reasons for denying the balance

amount, nor did they give the petitioner an opportunity to be heard. Since October 2014, the petitioner has been pursuing reimbursement through multiple approaches, but due to continued inaction and delays by the respondents, he has suffered mental agony and harassment. Consequently, the petitioner has filed the present writ petition seeking reimbursement of the full amount claimed.

Contentions

On behalf of the petitioners

5. Learned counsel for the petitioner submits that the petitioner is entitled to full reimbursement of Rs. 4,63,770.51 incurred on the emergency treatment of his wife, Smt. Poonam, at Indraprastha Apollo Hospital, Delhi, as she required immediate life-saving surgery. The petitioner had no time to approach an empanelled hospital or seek prior approval due to the urgent nature of the treatment. Despite promptly obtaining the required emergency certificate and complying with all objections raised by the authorities, the respondents have unduly delayed and denied the reimbursement, releasing only Rs. 43,005 without providing any reasons. The petitioner has repeatedly followed up with the authorities since 2014 and has even approached the Hon'ble High Court earlier, but the matter remains unresolved, causing undue mental agony and harassment. Learned counsel submits that the continued inaction of the respondents amounts to arbitrariness and violation of the petitioner's right to seek reimbursement of legitimate medical expenses, and therefore, the full claim ought to be sanctioned without further delay.

6. Reliance is placed on various judgments of the Supreme Court and the High Court, including '*Shiv Kant Jha v. Union of India, 2018(2) SCT 529*', to contend that reimbursement of medical expenses cannot be denied merely because treatment was taken in a non-empanelled hospital or without prior permission,

particularly in emergency situations. It is further contended that the respondents were duty-bound to reimburse the admissible amount at CGHS/AIIMS rates within a reasonable time and that prolonged denial has caused undue financial hardship to the petitioner.

On behalf of respondents

7. Learned State counsel for respondents no. 2 to 4 submits that the petitioner is not entitled to the relief sought in the present writ petition. The impugned order (Annexure P-4 dated 18.05.2020) granting Rs. 43,005/- as medical reimbursement has been issued strictly in accordance with the Medical Reimbursement Policy dated 06.05.2005, as amended on 24.06.2013, and in line with the rates applicable at PGIMER/AIIMS for emergency treatment in unapproved hospitals. It is submitted that Indraprastha Apollo Hospital, where the petitioner's wife was treated in August 2014, was not empanelled with the Government of Haryana at that time, and therefore reimbursement could only be made at PGIMER/AIIMS rates after issuance of an emergency certificate. The petitioner obtained the emergency certificate, and all claims were processed as per government instructions, with objections duly considered and clarified in consultation with the Director General Health Services, Haryana. Further, it is submitted that the petitioner has already been paid the correct amount admissible under the policy, and no excess reimbursement is permissible. The petitioner had previously filed a writ petition (CWP No. 6846 of 2017), which was dismissed as withdrawn, and has approached the Court again without any new ground. The State submits that the petitioner is attempting to circumvent policy provisions and is seeking relief for harassment purposes, and therefore, the writ petition is not maintainable.

8. Accordingly, learned counsel for the respondents prays for dismissal of the writ petition as being devoid of merit.

Analysis

9. Having heard learned counsel for the parties and after perusing the record, this Court is of the considered view that the action of the respondents in withholding the medical reimbursement of the petitioner is wholly arbitrary, illegal and violative of Article 21 of the Constitution of India.

10. The factum of treatment, the genuineness of the medical bills of the petitioner are not in dispute. The wife of the petitioner was admitted in the Indraprastha Apollo Hospital, Sarita Vihar, Delhi in an emergency condition in the Obstetrics and Gynecology faculty for operation. In the operation Uterus and Gallbladder were removed and Hernia was also operated. Patient was serious and to save her life she was admitted in the odd hours. There was no time to approach the empanelled hospital or take permission for treatment in the non-empanelled hospital. The petitioner spend the huge amount on the treatment and after treatment care.

11. The right to medical reimbursement flows directly from the fundamental right to life guaranteed under Article 21 of the Constitution. The Supreme Court in “***State of Punjab v. Mohinder Singh Chawla, (1997) 2 SCC 83***”, wherein it was observed that

“It is now settled law that right to health is an integral to right to life. Government has constitutional obligation to provide the health facilities. If the Government servant has suffered an ailment which requires treatment at a specialised approved hospital and on reference whereat the Government servant had undergone such treatment therein, it is but the duty of the State to bear the expenditure incurred by the Government servant. Expenditure, thus, incurred requires to be reimbursed by the State to the employee. The High Court was, therefore, right in giving direction to reimburse the expenses incurred towards room rent by the respondent during his stay in the hospital as an inpatient.”

12. Also in the case of “***Paschim Banga Khet Mazdoor Samity v. State of West Bengal, (1996) 4 SCC 37***”, the apex court has held that preservation of human life is of paramount importance and the State has a constitutional obligation to provide timely medical treatment. Relevant extract of the same is as follows:

9. The Constitution envisages the establishment of a welfare state at the federal level as well as at the state level. In a welfare state the primary duty of the Government is to secure the welfare of the people. Providing adequate medical facilities for the people is an essential part of the obligations undertaken by the Government in a welfare state. The Government discharges this obligation by running hospitals and health centres which provide medical care to the persons seeking to avail those facilities. Article 21 imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance.

13. Further, the issue of denial of reimbursement on the ground of non-empanelment of hospital is no longer res integra. In “***Shiva Kant Jha v. Union of India, (2018) 16 SCC 187***”, the Supreme Court held that once the factum of treatment is established, reimbursement cannot be denied on technical grounds and that the real test is whether the claimant actually underwent bona fide treatment. It was observed that,

“The right to medical claim cannot be denied merely because the name of the hospital is not included in the Government Order. The real test must be the factum of treatment. Before any medical claim is honoured, the authorities are bound to ensure as to whether the claimant had actually taken treatment and the factum of treatment is supported by records duly certified by Doctors/Hospitals concerned. Once, it is established, the claim cannot be denied on technical grounds. Clearly, in the present case, by taking a very inhuman approach, the officials of the CGHS have denied the grant of medical reimbursement in full to the petitioner forcing him to approach this Court.

15. In the present view of the matter, we are of the considered opinion that the CGHS is responsible for taking care of healthcare needs and well being of the central government employees and pensioners. In the facts and circumstances of the case, we are of opinion that the treatment of the petitioner in non-empanelled hospital was genuine because there was no option left with him at the

relevant time. We, therefore, direct the respondent-State to pay the balance amount of L 4,99,555/- to the writ petitioner”.

14. Similar view has been taken by this Court in “***Om Parkash Kashyap v. State of Haryana, 2011 (2) PLR 645***”, wherein it was held that medical reimbursement cannot be denied merely on procedural technicalities, particularly in cases involving chronic illness, stating that,

“6. The facility of medical reimbursement to an employee is a valuable right which the employer offers to its employees. The inhibitive interpretation of such a beneficial policy which has the effect of defeating it altogether can never be accepted.

7. A person who has been afflicted with a threateningly terminal ailment, is likely to incur the expenditure of his treatment and to say that the Fixed Medical Scheme is just sufficient for him to meet such expenses, is only defeatist in character.”

15. Moreover, the stand taken by the respondents that reimbursement at PGIMER/AIIMS rates is sufficient is wholly misconceived, arbitrary, and unsustainable in law. Undoubtedly, PGIMER and AIIMS are premier government institutions equipped with advanced infrastructure and medical expertise; however, they are often overburdened with critically ill patients, resulting in long waiting periods. In such circumstances, the exigencies of the situation may compel a patient or attendant to seek alternative treatment options, as was the case here, particularly when the petitioner was residing at a distant location from PGIMER.

16. In emergent and life-threatening situations, a patient or attendant has no real or meaningful choice to wait for admission or treatment at PGIMER, and the right to life guaranteed under Article 21 of the Constitution mandates timely and effective medical care. The petitioner was compelled by circumstances beyond his control to obtain emergency treatment from a private hospital to save the life of his wife. Consequently, denial of full reimbursement of the actual expenditure incurred amounts to penalising the petitioner for circumstances not attributable to him and defeats the very object and purpose of the medical reimbursement policy.

17. It is further observed that the petitioner has suffered undue and prolonged delay of several years in obtaining reimbursement of his legitimate medical expenses, solely on account of the callous and indifferent approach of the authorities. Despite submission of all necessary documents, including the emergency certificate and detailed medical bills, the respondents failed to process the claim in a timely manner, causing not only financial hardship but also mental agony to the petitioner. Such delay is wholly unjustifiable, especially in cases involving urgent medical treatment, and amounts to a dereliction of the statutory and constitutional duty of the State to ensure prompt redressal of claims for reimbursement. The authorities cannot escape liability by hiding behind procedural technicalities when the delay itself has compounded the hardship of the petitioner, thereby aggravating the infringement of his rights under Article 21.

Conclusion

18. In light of the foregoing discussion and for the reasons recorded above, the present writ petition stands allowed. The respondents are ordered to reimburse the remaining medical bill claim of the petitioner of Rs. 4,20,766/- along with 6% interest from the date it fell due till its actual realization, within a period of 4 weeks from the receipt of a certified copy of this order.

19. Ordered accordingly.

20. Pending applications, if any, stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

16.01.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No