



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

114

CWP No.10453 of 2026

Date of Decision: 26.05.2026

Prem Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Addl.AG, Haryana.

Mr. Prince Singh, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ of *certiorari* for quashing of letter dated 25.11.2025 whereby medical bill of the petitioner was reimbursed amounting ₹26,538/- instead of ₹1,22,577/-. Further, a writ of *mandamus* has been sought directing the respondents to reimburse full claimed amount of ₹1,22,577/- for the treatment taken by the petitioner alongwith 12% interest .

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was an employee of respondent No. 2 and retired from the post of Meter Reader on 31.07.2016. He further submits that the petitioner met with an accident on 24.03.2025 while riding a motorcycle and suffered head injuries. Owing to the emergent nature of the situation, the petitioner was admitted to Arvind Hospital, Karnal, by unknown persons. In support of the said contention, learned counsel



refers to the Emergency Certificates dated nil issued by the said hospital, appended as Annexures P-1 and P-6 to the writ petition. Learned counsel for petitioner further contends that the claim preferred by the petitioner for reimbursement of medical expenses is liable to be considered and approved in terms of the law laid down by the Hon'ble Supreme Court in **Surjit Singh v. State of Punjab and others, (1996) 2 SCC 336.**

3. *Per contra*, learned counsel for respondent No.2 submits that the petitioner has not approached this Court with clean hands. In terms of the directions issued by this Court on 11.05.2026, a detailed enquiry was conducted and on the basis of the same, the report by way of affidavit dated 20.05.2026 of Mr. Narendra Bijarniya, IPS, Superintendent of Police, Karnal, furnished in Court today with a copy thereof to learned counsel for petitioner, is taken on record subject to just exceptions. Learned counsel for respondent No.2 refers to the affidavit and submits that the petitioner had, in fact, suffered a head injury on 05.03.2025 after falling from a motorcycle at Panipat and he obtained his treatment from a local doctor at Panipat on 10.03.2025 and he again visited the said doctor on 15.03.2025. His CT Scan report dated 10.03.2025 reveals that petitioner was suffering from Subdural Haemorrhage. Thereafter, on 24.03.2025 he was got admitted in the Arvind Hospital, Karnal, which is a non-empanelled hospital and further, the petitioner was not suffering from any emergent or life-threatening condition necessitating immediate medical attention. As such, he does not satisfy the test of essentiality and emergency.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner had fallen from bike on 05.03.2025 and thereafter, he visited Hyderbadi Hospital, Panipat and he



was advised CT-Scan and as per CT-Scan report dated 10.03.2025, he was suffering from Subdural Haemorrhage and the doctor had advised that in case symptoms such as severe headache, vomiting, dizziness or unconsciousness continue, he could seek treatment from any Neuro Surgeon. Further, the perusal of Annexures P1 and P6 reveals that petitioner was diagnosed as case of right fronto parietal chronic SDH, which is an old collection of blood usually occurs after three weeks of injury. As such, the petitioner could have taken treatment from any empanelled hospital, however, he got the treatment from Arvind Hospital, Karnal, which is a non-empanelled hospital. Thus, it is not a case where medical treatment was availed of by the petitioner in an emergency to preserve his life.

5. 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 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**, wherein, 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... ”

6. In the matter at hand, the petitioner underwent treatment, which was not essential in that moment or a matter of emergency, from non-empanelled



hospital. The medical record also does not reflect that such treatment was necessary to save the life of the petitioner. Therefore, the test of essentiality and emergency does not stand satisfied.

7. Accordingly, the present petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

26.05.2026

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