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

RSA-1257-2007 (O&M)

State of Punjab and Others

.....Appellants

Vs.

Bhupinder Singh

.....Respondent

**Reserved on : 13.11.2025
Pronounced on: 28.01.2026
Uploaded on: 28.01.2026**

Whether only the operative part of the judgment is pronounced? **NO**
Whether full judgment is pronounced? **YES**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

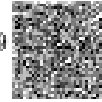
Present: Mr. Animesh Sharma, Addl.A.G. Punjab

Mr. Kuldeep Singh Saini, Advocate
for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred by the appellants against judgment and decree dated 02.12.2006 passed by District Judge, Mansa, whereby, appeal filed by the respondent against judgment and decree dated 30.08.2006 passed by Civil Judge, Jr. Division, Mansa was allowed and the civil suit filed by him was decreed in his favour.

2. Brief facts of the case as per pleadings in the civil suit are that respondent/plaintiff was a Social Studies Master at Government Elementary (M) School, Phus Mandi, District Mansa. He had undergone Angiography on 30.10.2002 and was later on operated on 20.11.2002 at Escorts Heart Institute and Research Centre, Okhla Road, New Delhi after his case was referred through proper channel. He remained admitted in Escorts Heart

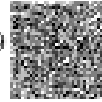


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Institute and Research Centre, Okhla Road, New Delhi from 18.11.2002 to 30.11.2002. An amount of Rs.2,20,677/- and Rs.11,000/- were spent on his treatment which was essential for maintaining his health. The medical bills were duly approved by the Health Authorities. It is the averment made in the civil suit that he was first referred to Civil Hospital, Mansa vide OPD/CR No.25346 by H.O., Punjab Health Systems Corporation, Sardulgarh from where he was referred to Rajinder Hospital, Patiala for Angiography and to the Escorts Heart Institute and Research Centre, Okhla Road, New Delhi for Coronary Artery By Pass Surgery.

3. Both the bills were submitted to the Principal of School in time for making payment of the medical reimbursement on 15.01.2003 and objections to the bills were removed on 03.05.2003 but the medical bills were not paid, hence, he filed civil suit. Civil suit filed by him was dismissed vide judgment and decree dated 30.08.2006 passed by Civil Judge, Jr. Division Mansa. He filed appeal against judgment and decree dated 30.08.2006 which was allowed by District Judge, Mansa vide its judgment and decree dated 02.12.2006. Hence, the present regular second appeal.

4. Learned counsel for the appellants contends that learned District Judge failed to appreciate that medical reimbursement is granted as per the policy of the Government as per which respondent is entitled to reimbursement of his medical expenses incurred on his treatment at the rates which are prevalent in AIIMS and PGI. Therefore, he is not entitled to reimbursement of whole of his medical claim as per the policy of



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reimbursement. He therefore, prays that the present appeal be allowed and judgment and decree dated 02.12.2006 passed by District Judge, Mansa be set aside.

5. Per contra, learned counsel for the respondent contends that the appeal filed by him has rightly been allowed and learned District Judge, Mansa has passed a well-reasoned judgment. Therefore, the appeal filed by the appellants be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. Since, the present regular second appeal pertains to the year 2007 before proceeding further it would be apposite to reproduce orders dated 30.04.2007 and 12.03.2008 passed by this Court :-

Order dated 30.04.2007 :-

“This is an appeal against judgment dated 2.12.2006 passed by District Judge, Mansa whereby an appeal filed by the plaintiff-respondent against the judgment of dismissal of the suit was accepted and suit of the plaintiff-respondent was decreed.

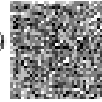
On behalf of the appellant-State, it is pointed out that part of the amount for which decree has now been passed, has already been sanctioned and paid as per the policy.

Notice of motion for 20.7.2007.

Meanwhile, execution of 50% award shall stand stayed.”

Order dated 12.03.2008 :-

“Learned counsel appearing for the appellants has referred to State of Punjab & Others vs. Ram Lubhaya Bagga & Others, AIR 1998 Supreme Court 1703 and Om Parkash



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Gargi vs. State of Punjab & Others, 1997(1) SLR 177 to contend that the plaintiff was entitled only to the rates permissible in All India Institute of Medical Sciences (for short 'AIIMS') under instructions. In the case in hand, the plaintiff got treatment from Escorts Heart Institute & Research Centre, New Delhi, and therefore, is not entitled to expenses beyond the expenses that would have been incurred in AIIMS.

Learned counsel appearing for the respondent plaintiff has referred to Para 6 of the judgment rendered by the first Appellate Court to contend that it was not of choice that the plaintiff went to Escorts Heart Institute & Research Centre, New Delhi. Exh. P15 is the prescription slip of the Punjab Health System Corporation showing that the plaintiff was referred to the Escorts Heart Institute & Research Centre, New Delhi, for coronary artery bye-pass surgery. It thus transpires that it was the Medical Officer who thought it appropriate for the plaintiff to get treatment from the Escorts Heart Institute & Research Centre, New Delhi. Other than this, Exh. P18 shows that the condition of the plaintiff was such that serious and special care was required which could be given only in Escorts Heart Institute & Research Centre, New Delhi.

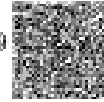
In view of the facts noticed above, substantial question of law arises that as and when a person is operated upon on reference by a Government Medical Practitioner and under emergent conditions, can the bills be curtailed to the extent of expenses permissible in AIIMS.

Admitted.

Interim order to continue.

The issue of payment of interest would also be decided at the stage of final hearing.”

8. In view of the above, the substantial question involved in the

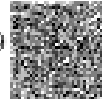


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present appeal is that as and when a person is operated upon on reference by a Government Medical Practitioner and under emergent conditions, can the bills be curtailed to the extent of expenses permissible in AIIMS?

9. Now to answer this question, coming to the facts and circumstances of this particular case as per the record.

10. Admittedly as per the facts of this case, respondent had undergone Angiography on 30.10.2002 and was later on operated on 20.11.2002 at Escorts Heart Institute and Research Centre, Okhla Road, New Delhi after his case was referred through proper channel. He remained admitted in the Escorts Heart Institute and Research Centre, Okhla Road, New Delhi from 18.11.2002 to 30.11.2002 and an amount of Rs.2,20,677/- and Rs.11,000/- were spent on his treatment which was essential for maintaining his health and the medical bills were duly approved by Health Authorities. Now the question would be as to whether the Escorts Heart Institute and Research Centre, Okhla Road, New Delhi is recognized hospital by the State Government for heart surgery. The same is not disputed by learned counsel for the appellants. In ***Waryam Singh Vs. State of Punjab and Others 1996(2) Recent Services Judgment 623***, judgment passed by this Court reference is made to letter of State Government dated 08.10.1991 containing list of diseases and private institutions located outside and inside Punjab, which have been recognised for treatment of the Punjab Government employees/pensioners and their dependants. Admittedly, the list shows that for open heart surgery, Escorts Heart Institute, New Delhi Christian Medical College, Ludhiana and Apollo Hospital, Madras are recognised institutions



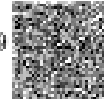
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and as per the facts of this case respondent underwent Angiography on 30.10.2002 by applying through proper channel and thereafter, he was operated on 20.11.2002 in the Escorts Heart Institute and Research Centre, Okhla Road, New Delhi where he remained admitted from 18.11.2002 to 30.11.2002.

11. A perusal of the record shows that respondent was referred to Escorts Heart Institute and Research Centre, Okhla Road, New Delhi for Coronary Artery By Pass Surgery by the Punjab Health System Corporation as per prescription slip (Ex.P-15). It is not the case of the appellants that the respondent has himself got the treatment from Escorts Heart Institute and Research Centre, Okhla Road, New Delhi. Ex.P-18 is a document regarding essentiality certificate showing that condition of the patient/respondent was so serious that it was considered necessary to refer the matter to the specialist of Escorts Heart Institute and Research Centre, Okhla Road, New Delhi. Admittedly, appellants themselves form the opinion on his condition.

12. Coronary Angiography report is part of Ex.P-18 showing the same has been done from Patiala Heart and Healthcare Institute.

13. Ex.D-4 of the record is a letter of Government of Punjab Department of Health and Family Welfare dated 05.10.1995 which shows that in case of emergency where there is immediate danger of life, it shall not be necessary to obtain prior permission from the Medical Board. However, the treatment would have to be got authenticated from Medical Board for reimbursement of medical expenses incurred after the treatment.



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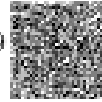
14. Therefore, since the respondent was referred to hospital by the appellants itself and as per record i.e. essentiality certificate etc. it shows that the respondent was treated in Escorts Heart Institute and Research Centre, Okhla Road, New Delhi because of his emergency condition and was referred through proper channel. Otherwise also Escorts Heart Institute and Research Centre, Okhla Road, New Delhi is recognised hospital by State Government for heart surgery as per letter dated 08.10.1991 of the State Government containing the list of diseases and the private institutions located outside and inside Punjab, which were recognised for treatment of the Punjab Government employees/pensioners and their dependants.

15. In view of the above, I do not find any infirmity in judgment and decree dated 02.12.2006 passed by District Judge, Mansa. The same is affirmed. Substantial question of law as referred to above is answered in favour of the respondent and against the appellants.

16. Accordingly, the present appeal is ***dismissed***.

17. Since, the present appeal is decided after 19 years and 50% of the amount incurred was stayed by this Court therefore, not to cause further delay by forcing the respondent to file execution, appellants are directed to deposit 50% of the remaining amount incurred on medical expenses as per the medical reimbursement claimed by the respondent along with interest @9% per annum in the account of respondent. Respondent is directed to provide his bank account details to the appellants.

18. Before parting this Court feels at pain to decide such kind of cases, after almost 19 years which should have been decided immediately



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since reimbursement is involved in the present regular second appeal. In the present case, respondent had undergone Angiography and was later on operated in the year 2002. Since 2002, he is running for the reimbursement of the amount incurred by him in his treatment and it has taken almost 19 years to decide the same.

19. This is the state of affairs of Government employee who is assured reimbursement of medical treatment incurred by him. The Government should be liberal in framing the policies for medical treatment and reimbursement since a person in pain is not expected to chose the hospital and would prefer the nearest one only.

20. Pending application(s), if any, also stand disposed of.

28.01.2026

Saahil

(SUDEEPTI SHARMA)

JUDGE

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