



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

Sr. No.221**CWP-22073-2021 (O&M)****Date of decision: 10.04.2026**

Birju Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Shalender Mohan, Advocate for
Mr. G.S. Gopara, Advocate, for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioner is praying for directions to the respondents to release remaining amount of Rs.5,23,880/- out of total medical reimbursement of an amount of Rs.9,56,888/- claimed by the petitioner.

2. The brief facts of the case are that the petitioner's minor daughter, namely, Komal, suffered attack of epilepsy and became unconscious on 02.11.2020. It transpires that the petitioner's daughter was aged 13 years on the abovesaid date. The daughter of the petitioner was brought to the General Hospital, Narnaul and as there were no specialist doctors of Neurology, the daughter of the petitioner was admitted at Santikba Durlabhi Memorial Hospital-cum-Medical Research Institute (SDMH), Jaipur. A copy of the emergency certificates dated



25.01.2021 are attached as Annexure P-1 & P-2. The daughter of the petitioner remained admitted in the abovesaid hospital from 02.11.2020 to 23.12.2020. During the period of the abovesaid treatment, the petitioner incurred a total medical expenditure of Rs.9,56,888/-. After the minor daughter of the petitioner was discharged, the petitioner submitted a bill in original to the competent authority. The abovesaid bill was duly considered by the competent authority and an amount of Rs.4,33,008/- was sanctioned and thereafter, credited to the account of the petitioner on 23.08.2021. As the petitioner had claimed medical reimbursement of an amount of Rs.9,56,888/- and only an amount of Rs.4,33,008/- was credited to the account of the petitioner, the petitioner approached the respondents for release of balance amount of medical reimbursement i.e. Rs.5,23,880/-. As the balance amount of medical reimbursement as claimed by the petitioner was not released to the petitioner, the petitioner has filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioner submits that the daughter of the petitioner suffered attack of epilepsy and as there were no specialist doctors of Neurology in Narnaul, the petitioner had no option but to admit the daughter of the petitioner at SDMH, Jaipur. The emergency certificates dated 25.01.2021 (Annexures P-1) issued by the Civil Surgeon (Medical), Narnaul and dated 23.12.2020 (Annexure P-2) issued by the Consultant (Paed.) Neurology, SDMH, Jaipur have also been attached with the petition. He submits that as it was the case of an



emergency, the petitioner is entitled for medical reimbursement of an amount of Rs.9,56,888/- and not Rs.4,33,008/-. Reliance is made to the judgment passed by the Coordinate Bench of this Court in **CWP-28729-2017** titled as **Ram Chander Vs. State of Haryana and others** decided on 17.11.2023. He further submits that **LPA-1724-2024** filed against the abovesaid judgment dated 17.11.2023 has also been dismissed by the Division Bench of this Court on 20.08.2024.

4. Learned counsel appearing on behalf of the respondents-State submits that in fact, the petitioner is not entitled for grant of medical reimbursement of an amount of Rs.9,56,888/- as claimed by the petitioner. He submits that as per policy dated 06.05.2025 (Annexure R-1) issued by the State of Haryana, as it was the case of an emergency, the petitioner was entitled for medical reimbursement equal to PGIMER, Chandigarh rates and the same has already been released to the petitioner.

5. I have heard the learned counsel appearing on behalf of the parties at length and have perused the record with their able assistance.

6. It is not in dispute that the daughter of the petitioner was admitted in a private hospital in an emergency and necessary emergency certificates dated 25.01.2021 (Annexures P-1) issued by the Civil Surgeon (Medical), Narnaul and dated 23.12.2020 (Annexure P-2) issued by the Consultant (Paed.) Neurology, SDMH, Jaipur have also been attached with the petition.



7. Similar issue came up for consideration before this Court in the case of **Ram Chander (supra)**. It was held by this Court that petitioner therein was entitled to medical reimbursement of seventy five per cent of the expenses in addition to the expenses already paid to him along with 6% interest per annum. Relevant extract of the judgment is reproduced below:-

‘3. Learned State counsel has submitted that the petitioner’s claim has rightly been rejected since as per government Instructions he is only entitled to payment of medical reimbursement at the rates of PGI, Chandigarh, that has already been given to him. Therefore, the claim for reimbursement of the balance amount cannot be entertained.

4. Heard.

5. The facts are not in dispute, and also that the petitioner has taken treatment in emergency from a private hospital which is not on the approved list of hospitals notified by the government for medical treatment. Nevertheless, partial reimbursement of the expenses incurred has been cleared with the following observation in the impugned order:

....the reimbursement of medical charges has been sanctioned under the Punjab Service Medical Attendance Rules, 1940, as applicable to Haryana State on the production of the Certificate of authorised medical attendant, that the medicines prescribed were absolutely essential for treatment and recovery of the patient concerned and that no cheaper substitute were available. The expenditure involved will be debit-able under Head ‘N-51-08-2059-80-001-96-51-R-V-Execution-67-Medical reimbursement.

6. It is apparent that the respondents have accepted that the medicines prescribed for treatment and recovery were absolutely



essential, and that no cheaper substitutes were available. Once the necessity to take the emergency treatment and the medicines prescribed has been established and accepted by the respondents, there is no justification in refusing to reimburse the expenses incurred on the same.

7. Under similar circumstances, it has been laid down by the Supreme Court in Suman Rakheja v. State of Haryana and another (2004) 13 SCC 562, that an employee would be entitled to get full refund of medical expenses at the approved hospital rates and seventy-five per cent of the expenditure in excess thereto. The relevant paragraphs no.4 and 5 of the judgment read as under:

4. Counsel for the appellant submitted that in similar case (Annexure P-4) i.e. by the order of the High Court of Punjab and Haryana in Sant Prakash v. State of Haryana wherein in an emergency case the patient had to be immediately admitted in hospital, the relief has been granted. In the present case also the appellant's husband had to be rushed to the private hospital because he had developed a paralytic stroke on the left side of the body, as there was blood clotting on the right side of the brain and therefore, was admitted in an emergency condition in the hospital. In the present case the discharge certificate also shows that the case was an emergency one. In Sant Prakash case the Division Bench held that the petitioner therein would be entitled to 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

5. In the result, in this appeal also, the appellant herein would be entitled to get the refund of the amount of 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

8. In view thereof, the petitioner is held entitled to reimbursement of seventy-five per cent of the expenses in addition to the expenses already paid to him, out of the total expenses of Rs.2,00,499/-, alongwith interest @ 6% per annum, from the date claim has been



made till the date of actual payment. The respondents are directed to release the amount so calculated within a period of four weeks from receiving a certified copy of this order.

9. The petition stands allowed in the aforesaid terms.”

8. It is not in dispute that the **LPA-1724-2024** filed against the abovesaid judgment dated 17.11.2023 passed by the Coordinate Bench of this Court in **Ram Chander’s case** (supra). has already been dismissed by the Division Bench of this Court on 20.08.2024.

9. Learned counsel appearing on behalf of the respondents-State could not dispute or distinguish the applicability of the abovesaid judgment dated 17.11.2023 passed by the Coordinate Bench of this Court.

10. Taking into consideration the facts of the present case, the present writ petition is allowed in terms of judgment dated 17.11.2023 passed in case of **Ram Chander (supra)**.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

10.04.2026

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No