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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 36788-2018

Date of Decision: 20.02.2025

HARPAL SINGH

..... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mandeep Singh, Advocate
for the petitioner.

Mr. Harish Rathee, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

This petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order, dated 07.02.2017, Annexure P-5, whereby the respondents have refused full medical reimbursement to the petitioner amounting ₹27,80,900, and have paid only an amount of ₹12,25,178.

2. The facts relevant to decide the matter are, the petitioner superannuated from service as S.S. Master on 31.10.2012. Later, due to cardiac arrest, he was admitted in Fortis Memorial Research Institute, Sector 44, Gurugram, in an emergency situation on 12.01.2016. The



concerned hospital issued a certificate dated 28.01.2016, Annexure P-1, to the effect that the petitioner was brought to the Department of Emergency and Trauma on 12.01.2016 with diagnosis of LRTI and admitted for further treatment. The Civil Surgeon, Jind, vide letter dated 12.05.2016, Annexure P-2, also opined that the treatment taken by the petitioner at Fortis Memorial Research Institute, with effect from 12.01.2016 to 15.02.2016 was taken in an emergency situation.

2.1 After being discharged from the hospital, the petitioner submitted medical reimbursement claim to the Department for the expenses incurred on his treatment taken in emergency. It is apparent from the bill, dated 16.02.2016, Annexure P-4, issued by the Fortis Memorial Research Institute that total amount of ₹27,80,900 was incurred on the petitioner's treatment. The claim was considered by the respondents, but it was partially accepted, and only an amount of ₹12,25,178 was released to him vide sanction order dated 07.02.2017, under the Punjab/Haryana Services (Medical Attendance) Rules, 1940 (for short, 'the 1940 Rules').

2.2 The petitioner's claim for full reimbursement has been declined by the respondents for the reasons that as per the Reimbursement Policy issued by the Health Department under the 1940 Rules, dated 06.05.2005, reimbursement for the treatment taken in an emergency from an unapproved hospital is to be allowed equal to the rates applicable in PGIMER, Chandigarh, with the approval of the Finance Department. Since the hospital wherefrom the petitioner took the treatment in an emergency was not on the approved/panel list of medical institutes, he was entitled to reimbursement only at the rates applicable in PGIMER, Chandigarh, which has been given.



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3. Learned counsel for the petitioner contends that denial of full reimbursement to the petitioner is in violation of law laid down by this Court vide judgment dated 27.09.2024, rendered in CWP-4800-2024 titled *Raj Kumar Garg v. Haryana State Agricultural Marketing Board and others*. On the contrary, learned State counsel contends, since the treatment has been taken from an unapproved hospital, the due amount in terms of the Policy at PGIMER rates has been released to the petitioner. He, however, is not in a position to dispute the law laid down in *Raj Kumar Garg* case.

4. Heard.

5. It is an undisputed fact on record that the petitioner was treated in emergency situation at Fortis Memorial Research Institute, Gurugram, from 12.01.2016 to 15.02.2016 for acute coronary syndrome, and the total expenses incurred on his treatment were ₹27,80,900. The claim for full reimbursement has been denied only by referring to the Policy, dated 06.05.2005, on the ground that it was taken from an unapproved hospital. On identical facts, this Court in *Raj Kumar* case held that in case treatment is taken by an employee from an unapproved hospital in an emergency, he is entitled to full reimbursement of the expenses incurred. The claim cannot be denied by referring to the Policy in question on the ground that it is admissible only at the PGIMER, Chandigarh, rates. A reference can be made to the following observations of the Court:

8. This Court is of the considered view that whenever an employee is suffering from an emergency condition then the entire focus is always on saving the life of the patient and in case there is some pain then the focus is also to relieve the pain. It would be inhuman to say that whenever such like emergency



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situation arises then an employee should keep on searching the list of approved hospitals and should first go to an approved hospital or a government hospital by ignoring the developing pain at the risk of life.

9. The present is a case where as per the discharge summary and as per the certificate (Annexure P-3), the petitioner was having chest pain when he was in Ujjain and was rushed to Avanti Hospital, Ujjain. However, due to lack of facilities for treating a major cardiac shock, he was shifted to Medanta Super Specialty Hospital, Indore where he got treatment and underwent 'Bypass surgery'.

10. The reliance which has been made by learned counsel for respondent-Board on some medical policy by making distinction between approved or unapproved hospitals is absolutely violative of Right to Life guaranteed under Article 21 of the Constitution of India. Not only this the aforesaid stand taken is also contrary to the law laid down by Hon'ble Supreme Court in the case of *Shiva Kant Jha's case (supra)* in this regard.

The petitioner is, therefore, entitled to full reimbursement of the amount incurred on the medical treatment taken in emergency.

6. In view thereof, the petition is allowed and the respondents are directed to fully reimburse the medical expenses amounting ₹27,80,900, excluding an amount of ₹12,25,178 already given to him in terms of sanction order, dated 07.02.2017, with interest at the rate of six per cent per annum from the date of sanction order till actual payment, within three weeks of receiving a certified copy of this order, thereafter the due amount will carry interest at the rate of nine per cent per annum which shall be recoverable from the officer concerned who caused the delay.



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7. Pending application(s), if any, also stands disposed of accordingly.

20.02.2025

Seema

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*