



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

205

RSA-2140-2015 (O&M)  
DATE OF DECISION: 08.07.2025

GENERAL MANAGER, HARYANA ROADWAYS, FARIDABAD AND  
ANR

...APPELLANTS

VERSUS

RICHPAL SINGH

... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S.Virk, Sr. DAG, Haryana.  
None for the Respondent

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**SANDEEP MOUDGIL, J (ORAL)**

1. The regular second appeal preferred before this Court is against the judgment and decree of the Additional District Judge, Gurgaon, in Civil Appeal No. 141 of 19.09.20214 decided on 12.01.2015 wherein it was held that Respondent is entitled for his medical reimbursement bill to the tune of Rs. 2,20,000/- along with interest at 9% per annum.

2. The factual backdrop leading to the present case can be read as respondent was working as a driver and retired from the office of Haryana Roadways Faridabad and he also served in the office of GM Roadways Gurgaon. While in service, he was issued identity card of Public Service Medical Attendance Rule 1940 bearing no. 218 dated 03.01.2006 and he was covered under Medical coverage for his life. The respondent suddenly got admitted at Paras Hospital, Gurgaon in emergency wherein Emergency certificate was also issued. He remained in the hospital w.e.f 22.11.2010 to 03.12.2010 and spent a



sum of Rs. 2,20,000/- which was paid by him and when he applied for reimbursement for the same, it was rejected despite attaching with the bill the emergency certificate issued by the hospital. Legal Notice under section 80 dated 21.09.2011 was issued but no amount was paid, hence suit was filed by the respondent in the court of Civil Judge (Junior Division), Gurgaon on 24.05.2012.

3. Notice of the suit was given to the appellants to file the written statement who categorically submitted that the respondent remained admitted in the hospital for the period w.e.f. 22.11.2010 to 3.12.2020 and claimed the bill to the tune of Rs.2,20,000/- for the reimbursement but Paras Hospital was not on the panel of Haryana Government approved hospitals and indeed the said hospital was approved for the period w.e.f. 22.05.2011 onwards.

4. From the pleadings of the parties, following issues were framed by the trial court on 29.1.2014:

1. *Whether the plaintiff is entitled to the relief of declaration as prayed for? OPP*
2. *Whether the present court is having jurisdiction to try and entertain the present suit? OPD*
3. *Whether the suit is barred by rule of res judicate u/s 11 of the CPC 1908? OPD*
4. *Relief.*

5. The trial Court observed that since Paras Hospital has been brought on Government Panel w.e.f 22.05.2011 with prospective effect and the order has not been given retrospective effect and while the respondent/plaintiff was admitted in the said hospital from 22.11.2010 to 03.12.2010 and the emergency certificate was issued on 03.12.2010 when Paras Hospital was not on government panel therefore, emergency certificate issued by Paras Hospital cannot be relied upon for reimbursement of bills of the respondent/plaintiff. It



further held that in absence of required emergency certificate issued from the CMO General Hospital Gurgaon, respondent/plaintiff cannot be held entitled to reimbursement of his medical bills.

6. The said judgment and decree dated 10.09.2014 was challenged before the Court of Additional District Judge, Gurgaon by respondent/plaintiff by way of filing Civil Appeal under Section 96 of Civil Procedure Code. The appeal was allowed vide order dated 12.01.2015 dissenting with the judgment and decree passed by the trial Court and now the Regular Second Appeal has come up against the judgment dated 12.01.2015, according to which the Respondent/petitioner is not entitled to the relief granted in the appeal by the lower appellate court

7. It is contended by the appellants/respondents assailing the judgment and decree passed by the Appellate court below by stating that the emergency certificate issued by the Civil Surgeon has not been submitted at the time of submission of Medical bill which was mandatory.

8. Learned counsel for the appellants/respondents would also assert the respondent remained admitted in the hospital for the period w.e.f. 22.11.2010 to 3.12.2020 and claimed the bill to the tune of Rs.2,20,000/- for the reimbursement but Paras Hospital was not on the panel of Haryana Government approved hospitals and indeed the said hospital was approved for the period w.e.f. 22.05.2011 onward that which fact has been ignored by the Appellate Court below and therefore the decision of the deserves to be set aside.

9. Heard, learned counsel for the petitioner at length and meticulously perused the record at hand.

10. It is a settled proposition of law that the Government employee during his life time or after his retirement is entitled to get the benefit of the



medical facilities and no fetters can be placed on his rights. It is acceptable to common sense, that ultimate decision as to how a patient should be treated vests only with the doctor, who is well versed and expert both on academic qualification and experience gained. Multi speciality Hospitals are established for treatment of multi ailments and services of Doctors specialized in a discipline are availed by patients only to ensure proper and safe treatment. Can it be said that taking treatment in a Hospital which is not empaneled on the Government order would deprive a person to claim reimbursement solely on this ground?

11. 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 the records duly certified by Doctors/Hospitals concerned. Once it is established, the claim cannot be denied on technical grounds.

12. Having perused the record and after going through the evidence put forth before this Court from the record of Appellate Court below, it is very much evident that in view of the bill EX.P.2, the respondent/plaintiff was admitted on account of his emergency treatment of heart attack at Paras Hospital Gurgaon for the period w.e.f .22.11.2010 to 03.12.2010. The document EX.P.3 i.e the Emergency Certificate was proved by PW-2 Dr. Meenakshi MO Paras Hospital which states that the respondent/petitioner was got admitted on 22.11.2010 at about 11.16 PM in the said hospital on sustaining heart attack and remained admitted there or the period w.e.f. 22.11.2010 to 03.12.2010.

13. Further, it is necessary to mention here that the emergency of the patient would be seen by the Doctor at the time of his admission in the hospital. Since CMO was not present at that time and further he even did not examine the documents of treatment of the respondent/petitioner and gave his opinion by



rejecting the claim for reimbursement of the respondent/petitioner.

14. This court opines that in cases of such serious nature, the relevant authorities are required to be more responsive and cannot in a mechanical manner deprive an employee of his legitimate reimbursement. It was in the furtherance of the object of Welfare State, which must provide for such medical care that the Government order for such medical care was brought in force. In the facts of the instant case, it cannot be denied that the respondent/petitioner was admitted in the above said hospital in emergency conditions.

15. To be elaborative, the law does not require that the prior permission has to be taken in such situation where the survival of the person is the prime consideration. Self preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the constitution. In “***State of Karnataka vs R.Vivekananda Swamy,(2008) 5 SCC 328***, the Apex Court has held as under:-

*20. Law operating in this field, as is propounded by courts from time to time and relevant for our purpose, may now be taken note of.*

*21. In Surjit Singh v. State of Punjab, this Court in a case where the appellant therein while in England fell ill and being an emergency case was admitted in Dudley Road Hospital, Birmingham. After proper medical diagnosis he was suggested treatment at a named alternate place. He was admitted and undergone bypass surgery in Humana Hospital, Wellington, London. He claimed reimbursement for the amount spent by him. In the peculiar facts of that case it was held:*

*"11. 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. Centuries ago thinkers of this great land conceived of such right and recognised it. Attention can usefully be drawn to Verses 17, 18, 20 and 22 in Chapter 16 of*



*Garuda Purana (a dialogue suggested between the Divine and Garuda, the bird): in the words of the Divine:*

17. *Vinaa dehena kasyaapi canpurushartho na vidyate Tasmaaddeham dhanam rakshetpunyakarmaani saadhayet Without the body how can one obtain the objects of human life? Therefore protecting the body which is the wealth, one should perform the deeds of merit.*

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18. *Rakshayetsarvadaatmaanamaatmaa sarvasya bhaajanam Rakshane yatnamaatishthejje vanbhaadraani pashyati One should protect his body which is responsible for everything. He who 18 O.A. No. 1453/2024 protects himself by all efforts, will see many auspicious occasions in life.*

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20. *Sharirarakshanopaayaah kriyante sarvadaa budhaih Necchanti cha punastyaagamapi kushthaadiroginah The wise always undertake the protective measures for the body. Even the persons suffering from leprosy and other diseases do not wish to get rid of the body.*

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22. *Aatmaiva yadi naatmaanamahitebhyo nivaarayet Konsyo hitakarastasmaadaatmaanam taarayishyati If one does not prevent what is unpleasant to himself, who else will do it? Therefore one should do what is good to himself."*

16. Further, the Hon'ble Supreme Court in the "***State of Punjab & ors vs Mohinder Singh Chawla and Ors,(1997) 2 SCC 83***" has observed that right to health is an integral part of the right to life and therefore , if a Government employee has undergone a specialized treatment, the same must be reimbursed by the State.

17. Therefore, the appellants are under obligation to reimburse the medical bill of the respondent/petitioner since non payment of the same is violation of Article 21 of the Constitution of India specially where the appellants/respondents have admitted and not denied that the treatment taken was in medical emergency and is seized with the matter at the same time that the respondent/petitioner had taken medical treatment in emergency from a non



empanelled hospital.

18. Taking into consideration the facts of the instant petition, I am of the strong view that the treatment of the respondent/petitioner in non-empanelled hospital was genuine because there was no option left with him at the relevant time. Accordingly, it is directed that the appellants/respondents shall pay the amount of Rs.2,20,000/- along with 9% per annum within a period of four months after receiving the certified copy of this order.

19. Accordingly, the present Regular Second Appeal stands dismissed and judgment and decree dated 12.01.2015 is hereby upheld.

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

21. The decree-sheet be prepared accordingly.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**08.07.2025**  
*anuradha*

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