



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

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Date of decision: 04.09.2025

1. CWP No.26933 of 2016 (O&M)

Raj Kumar (since deceased) through his LRs

....Petitioner

Versus

State of Haryana and others

....Respondents

2. CWP No.364 of 2017 (O&M)

Kamarjit Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surender Dhull, Advocate
for the petitioner in CWP-26933-2016.

Mr. Sukhdev Singh Gopera, Advocate
for the petitioner in CWP-364-2017.

Mr. Piyush Khanna, Addl. A.G., Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CWP-26933-2016 and CWP-364-2017, as common questions of law and facts are involved for adjudication.

PRAYER

2. Prayer in the writ petition i.e. CWP No. 26933 of 2016 filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to



reimburse the medical claim raised by the petitioner – Raj Kumar incurred by him as he suffered emergency treatment for heart ailment. Further prayer has been made to direct respondent No.6 to reimburse the medical bill amounting to Rs.4,42,167/- incurred upon treatment of heart ailment along with 12% interest on delayed medical claim.

2.1. Prayer in the writ petition i.e. CWP No. 364 of 2017 filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to disburse the medical claim raised by the petitioner – Kamarjit Singh, incurred by him as he suffered emergency treatment for diabetic foot. Further prayer has been made to direct respondent No.6 to release the medical bill amounting to Rs.1,45,746/- incurred upon treatment of diabetic foot.

BRIEF FACTS

3. The petitioner in CWP No. 26933 of 2016 is a regular employee working as a Salesman with the respondent/Department. On 09.07.2016, he suffered severe chest pain and was admitted to the Cardiac section of Fortis Hospital, Mohali, for emergency treatment of a heart ailment. The petitioner underwent coronary angiography and heart surgery including insertion of stents during hospitalization from 10.07.2016 to 14.07.2016. The total medical expenses amounted to Rs.4,42,167/-, of which Rs.2,20,000/- was covered under a health package, and the balance Rs.2,22,167/- was paid by the petitioner. The petitioner submitted all relevant documents, including a medical certificate duly verified by the hospital, to the Managing Committee of



the Agondh Primary Agriculture Co-operative Society (Respondent No.6), however, despite a resolution recommending approval, reimbursement was not released. The petitioner further claims that his medical reimbursement should be sanctioned in accordance with the policy prevalent at the time of treatment. He also sent a legal notice dated 30.09.2016 seeking reimbursement.

3.1. The petitioner in CWP No. 364 of 2017 is similarly placed and also a regular employee working as a Salesman with the respondent/Department and was treated for diabetic foot infection with complications at Dayanand Medical College & Hospital, Ludhiana, during 07.07.2015 to 22.07.2015. The petitioner submitted all the relevant documents and medical certificates including the medical bills amounting to Rs.1,45,746/- to the Managing Committee of Urlana Primary Agriculture Co-operative Society (Respondent No.6), however, despite a resolution recommending approval, reimbursement was not released. Thereafter, the petitioner sent a legal notice dated 30.09.2016, upon the respondent/Department, seeking medical reimbursement.

CONTENTIONS OF PETITIONER

4. Learned counsel for the petitioner (in CWP No.26933 of 2016) submits that the claim of the petitioner cannot be rejected as the petitioner was brought to emergency ward of Fortis Hospital on the ground that the respondents have framed a policy by invoking Rule 28 of the Primary Agriculture Cooperative Societies Staff Service/Primary



Co-operative Credit & Service Societies Rules, 2014. Sub-Rule-2 of Rule 28 relates to medical reimbursement which is re-produced below:-

“(2) Every society shall contribute/ provisioning Rs.1,00,000/- (Rupees on lac only) every under the object head “Medical Reimbursement” and amount may be reimbursed to the extent of Rs.25,000/- for individual case within a span of one year and the Managing Committee is the Competent Authority.”

4.1. The aforementioned Rule were further amended in the year 2017 and a fixed limit of reimbursement was extended to Rs.2,50,000/- within a span of one calendar year. Learned counsel for the petitioner submits that right of the petitioner to claim reimbursement has to be decided on case-to-case basis and curtailing the right of the petitioner to fixed amount would not be sustainable in view of the settled law.

4.2. Learned counsel for the petitioner (in CWP-364-2017) submits that the petitioner Kamarjit Singh underwent treatment for diabetic foot infection and remained hospitalized from 07.07.2015 to 22.07.2015 and thereafter, he submitted the medical bills amounting to Rs.1,45,746/- along with necessary documents to respondent No.6. Despite a resolution recommending reimbursement, the amount was not released, prompting the petitioner to issue a legal notice dated 30.09.2016, which also went unanswered.

5. There is no representation on behalf of the respondent/Society, however, a perusal of the written statements annexed in both the cases, reveals that reliance is placed upon Rule 28



of the Primary Agriculture Cooperative Societies Staff Service/Primary Co-operative Credit & Service Societies Rules, 2014, and Sub-Rule (2) of Rule 28, entitles an employee to a maximum reimbursement of Rs.1,00,000/-, however, thereafter an amendment was carried out in the said Rule on 30.05.2017 and thereby, Sub-Rule (2) of Rule 28, entitles an employee to a maximum reimbursement of Rs.2,50,000/-.

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

OBSERVATIONS & ANALYSIS

7. The claim for medical reimbursement of petitioner – Raj Kumar, ought not to be dismissed merely because he underwent treatment in a non-empanelled. In such cases, the test of essentiality and emergency comes into play, which dictates that if the medical procedure was undergone by the claimant in an emergency, on the advice of a doctor based on his medical record, in order to save his life, the reimbursement for the same must be made. Not only is the preservation of human life instinctive, but it also forms a part of Article 21 of the Constitution of India, and therefore, it shall always retain the highest priority.

8. Moreover, 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***, whereby, 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..."

9. In CWP-26933-2016, the petitioner – Raj Kumar underwent coronary angiography and heart surgery including insertion of stent procedure, which was necessary at that moment in order to save his life, as also depicted by his medical record. Therefore, the test of essentiality and emergency stands satisfied. While in CWP-364-2017, the petitioner – Kamarjit Singh fails to pass the test of essentiality and he would be held entitled for reimbursement only in terms of Rule 28.



10. Accordingly, the petition (CWP-26933-2016) is allowed and the petition (CWP-364-2017) is disposed of.

11. The respondent No.6 is directed to reimburse the amount of Rs.4,42,167/-, spent on his treatment to the LRs of the petitioner – Raj Kumar, who were impleaded as a party in CWP-26933-2016, vide order dated 30.08.2019, within a period of eight weeks from the date of receiving the certified copy of this order.

12. Further, the claim of petitioner Kamarjit Singh be examined and considered under Rule 28 of the policy and the admissible amount be released to him within two months from the date of receipt of certified copy of this order.

13. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

04.09.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No