



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

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CWP-16539-2016(O&M)

Date of Decision: **August 25, 2025**

Gurcharan Singh

.....Petitioner

VERSUS

Pepsu Road Transport Corporation Patiala and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Anamika Sheoran, Advocate for Mr. Vikas Singh, Advocate
for the petitioner.

Mr. Harsh Chopra, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of mandamus, directing the respondents to make payment of the medical reimbursement bills submitted by the petitioner and for quashing the action of the respondents whereby payment has been declined on the ground that bills in respect of outdoor treatment of chronic diseases are not to be reimbursed and further for quashing the decision of the respondents dated 1.2.2010(Annexure P-13), whereby medical reimbursement has been restricted only to two diseases and not to other chronic ailments.

2. Learned counsel for the petitioner inter alia contends that the petitioner retired from the services of Pepsu Road Transport Corporation as Head Blacksmith in the year 2007. Further, he is suffering from chronic heart disease, as is perceptible from certificate dated 23.01.2009 (Annexure P-1).



Further, the petitioner had also been issued the medical reimbursement certificate every time he purchased the medicine (Annexure P-2). Earlier also petitioner received treatment from a hospital which is non-government hospital, however, for which, he was granted ex-post facto sanction from the Director Health and Family Welfare Punjab for a sum of Rs.5148/- (Annexure P-3). Further, the wife of the petitioner is also suffering from chronic heart disease and is totally dependent upon the petitioner.

3. Learned counsel for the petitioner further submitted that he had submitted the medical bills for reimbursement in a proper format, however, the stands declined on the ground that payment for outdoor treatment is not reimbursable. Further, it is submitted that the claim submitted by the petitioner for reimbursement is required to be approved in terms of *Surjit Singh vs. State of Punjab and others(1996) 2 SCC 336* and further on the basis of *Harbhajan Kaur 2006(4) SCT 476*. The denial of the medical reimbursement to the petitioner would be violative of Articles 14 and 16 of the Constitution of India.

4. On the other hand, learned counsel for the respondent opposes the prayer made by the counsel for petitioner on the ground that the case of the petitioner was not covered under the policy at the time of submission of the claim. Further the Hon'ble Supreme Court in *State of Punjab Versus Ram Ludhaya Bagga and others, 1998(4) SCC 117* held that right of the State to change its policy from time to time under the changing circumstances cannot be questioned and the scope of judicial review in State matters is very narrow.



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

6. The claim for medical reimbursement ought not to be dismissed merely because the claimant 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.

7. 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...”

8. In the matter at hand, the petitioner underwent treatment, which was not essential in that moment or a matter of emergency, from non-empanelled hospital. The medical record also does not reflect that such treatment was necessary to save the life of the petitioner. Therefore, the test of essentiality and emergency does not stand satisfied.

9. Accordingly, the present petition is dismissed, so also the pending miscellaneous application(s), if any.

(HARPREET SINGH BRAR)
JUDGE

August 25, 2025

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No