C.B. Gupta Vs State of Haryana and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 25, 2002

Citation: (2003) 133 PLR 343

Hon'ble Judges: S.S. Nijjar, J; M.M. Kumar, J

Bench: Division Bench

Advocate: Amrit Paul, for the Appellant; Ritu Bahri, DAG, for the Respondent

Final Decision: Allowed

Judgement

S.S. Nijjar, J.
We have heard the learned counsel for the parties at length and perused the record of the case.

2. In this writ petition, the petitioner claims reimbursement of six medical bills, the details of which are as follows:-

Bill No. Annexure Period Amount

2. P-25 to P-29 6.11.92to 15.7.93 Rs. 57,812/-

3. P-30 to P-35 16.7.93 to 13.1.94 Rs. 35,661/-

4. P-36 to P-40 14.1.94 to 16.8.94 Rs. 64,129/-

5. P-41 to P-45 17.8.94 to 30.4.95 Rs. 51,252/-

6. P-46 to P-50 1.5.95 to 2.2.96 Rs. 40,735/-

7. P-51 to P-54 3.2. 96 to 31.12.96 Rs. 43,679/-

The aforesaid amount represented the expenses incurred by the petitioner for the treatment of his wife as outdoor patient taken from Sir Ganga

Ram Hospital, New Delhi. According to the learned counsel, the payment of six bills has been denied to the petitioner by the impugned orders

which are attached to the petition as Annexures P-59, P-60, P-63, P-64, P-71 and P-72. Learned counsel has submitted that the medical

expenses incurred on indoor and outdoor treatment are reimbursable on the basis of the policy which has been in vogue prior to 01.03.1986.

However, from 01.03.1986, by letter dated 0.6.05.1986, the facility of out door treatment was withdrawn and replaced by a fixed medical

allowance of Rs. 150/- per annum. Subsequently, the facility of fixed medical allowance of Rs. 150/- per annum and the facility of free medical

outdoor treatment was made optional. At the time of filing of the writ petition, the case of the petitioner was governed by the instructions Annexure

P-8, P-9, P-19 and P-11, which pro vided that for out door treatment of chronic diseases, a sum of Rs. 500/- per month would be reimbursable

making a total of Rs. 6000/- per year. According to the learned counsel, the validity of these instructions came up for consideration before this

Court in the case of Renu Saigal Vs. The State of Haryana and Others, . After considering the entire matter, this Court has held that the aforesaid

instructions, insofar as they deny the benefit of full medical reimbursement to an outdoor patient are void and quashed the same. In that case, a

further direction was issued to the respondent to make full reimbursement of medical expenses incurred by the petitioner therein, both as in door

and outdoor patient. Learned counsel for the petitioner further submitted that the case of the petitioner is further covered by a decision of this

Court in the case of Kuldeep Kumar v. State of Haryana 2002 (3) R.S.J. 115. In the aforesaid case, this Court has quashed the instructions dated

11.08.1992. This matter is stated to be further squarely covered by a Division Bench judgment of this Court in the case of K.K. Ravi Kant v. The

State of Haryana and Ors. 1998(3) R.S.J. 705 in which it has been held that if the outdoor treatment is absolutely necessary, the patient shall be

entitled to full reimbursement. Even in the case of Krishan Kumar (deceased) through Lrs v. State of Haryana and Ors. 1999 (4) R.S.J. 387 a

Single Bench of this Court has clearly held that outdoor treatment which was a follow up and an integral part of the indoor treatment, must also be

reimbursed as indoor treatment.

3. In view of the repeated pronouncements of the law by this Court as noticed above, it would have to be held that the petitioner is entitled to

reimbursement of the amounts of these bills, which have been enumerated above subject to verification. Consequently, this petition is allowed. The

impugned order Annexures P-59, P-60, P-63, P-64, P-71 and P-72 are quashed. The respondents are directed to reimburse to the petitioner

medical expenses covered under these bills enumerated above after the same have been verified. Let the medical expenses be reimbursed within a

period of two months from the date of receipt of a certified copy of this order. However, it is made clear that if the medical expense are not

released within the time stipulated above, the respondents shall pay interest on the amount at the rate of 12% per annum from the date of expiry of

the period of two months till actual payment. No costs.

Sd/- M.M. Kumar, J.