(2000) 11 P&H CK 0261

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 4525 of 2000

Kuldip Singh Virk	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision: Nov. 7, 2000

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2000) 11 P&H CK 0261

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: V.K. Chaudhari, for the Appellant; Gurveen H. Singh, AAG, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

R.L. Anand, J.
The petitioner is seeking the medical reimbursement and the case set up by him is that he is a retired Deputy District Attorney, Amritsar, and he retired in November, 1996, on attaining the age of superannuation. He developed kidney problem in May, 1995, due to which kidney specialist opined that both the kidneys of the petitioner were damaged. Petitioner remained on medicines and dialysis upto July, 1997 in Ram Saran Dass Kishori Lal Charitable Trust Hospital, Amritsar. In the second week of July, 1997 the condition of the petitioner deteriorated and the petitioner was got admitted in the aforesaid hospital, which is approved by the Punjab Govt. for the transplantation of the kidney under the Human organ Transplant Act. The kidneys of the petitioner were replaced on 19.7.1997 with the approval of the Authorisation Committee constituted by the Punjab Govt. The petitioner remained as indoor patient upto 30.7.1997. Now, the petitioner is on regular follow-up treatment. The respondents reimbursed almost the entire expenditure incurred by the petitioner on his kidney transplant but some of his bills are not being reimbursed after 1.1.1998. The case set up by the petitioner is that he is taking regular medicines

being a chronic patient and he is entitled to reimbursement of his bills w.e.f. 1.1.1998.

2. This case set up by the respondent-authorities is that since the petitioner is getting follow-up treatment, so he is to be treated as an out- door patient and for that reason he is getting fixed medical allowance of Rs. 250/-per month. Now, the State Govt. w.e.f. 1.9.2000 has formulated a policy vide which the reimbursement of the medical bills can be given to the chronic patients. Therefore, the petitioner will be entitled to the benefit of the reimbursement of the medical bills w.e.f. 1.9.2000.

3. I have heard the counsel for the parties and with their assistance have gone through the record of this case.

4. Unfortunately, the petitioner is suffering from such a disease which requires constant care and treatment. With the intervention of this Court, the State Govt. was kind enough to formulate a policy with regard to the chronic patients and now, the State Govt. has decided to reimburse the medical bills of such chronic patients w.e.f. 1.9.2000. A policy to this effect has been framed but the petitioner has been deprived of the reimbursement of the amount on the treatment which he got w.e.f. 1.1.1998 up to 31.8.2000. Admittedly, the petitioner was a Govt. employee. He suffered from a disease which requires constant treatment and care. In these circumstances, it will not be proper on the part of the Stale to say that the petitioner will not be entitled to the medical reimbursement of the amount which he incurred w.e.f. 1.1.1998 to 31.8.2000. Any arbitrary discrimination for that period cannot be validated on any parameters of judicial scrutiny.

5. Resultantly, the writ petition is allowed and it is hereby declared that the petitioner shall get reimbursement of the bills w.e.f. 1.1.1998 onwards as per the policy decision dated 1.9.2000 formulated by the State Govt. by giving retrospective effect to this policy w.e.f. 1.1.1998. No costs.

6. Petition allowed.