

(2026) 02 P&H CK 1762

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 4976 Of 2017 (O&M)

Balbir Singh

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 09-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 21, 226, 227

Citation : (2026) 02 P&H CK 1762

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : Gurinder Singh Dhillon, Akshit Pathania

Final Decision : Allowed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 15.06.2016 whereby respondent rejected his claim of reimbursement of medical expenses.

2. The petitioner belonged to Haryana Police Force. On 26.06.2015, he went to Delhi to serve summons. He fell down from a bus in Delhi and got unconscious. He was taken away to Sant Parmanand Hospital by passerby. The Doctors after examining the petitioner found that he has suffered Mal-united Fracture Proximal Tibia (Fracture of knee). He was subjected to surgery on emergency basis. On 29.06.2015, his family members informed Police Station, Karnal about unconsciousness of the petitioner. He incurred a sum of Rs.1,05,574/- on aforesaid surgery. He requested respondent to reimburse his medical expenses, however, respondent rejected his claim on the ground that he availed medical services from a non-empanelled hospital.

3. Learned counsel representing the petitioner submits that petitioner's case is squarely covered by judgment of this Court in 'Raghbir Singh Versus Chief Administrator', 2024 SCC OnLine P&H 5428.

4. Learned State counsel submits that petitioner wrongly availed medical services from a non-empanelled hospital. The respondent is bound by opinion of Civil Surgeon. The reimbursement cannot be granted in violation of the applicable rules and guidelines.

5. Heard the arguments and perused the record.

6. This Court in Raghbir Singh (supra) has considered the issue involved herein. It has been held that action of respondent would be violative of Article 21 of the Constitution if employee is compelled to avail services from an empanelled hospital despite emergency because there may be loss of life. The Court has relied upon judgment of Hon'ble Supreme Court in 'Shiva Kant Jha Versus Union of India', 2018(16) SCC 187.

7. The petitioner indubitably was on duty when he lost consciousness. He was admitted in a private hospital by passerby. Under unavoidable circumstances, he had to undergo surgery. He is certainly entitled to reimbursement of medical expenses because he suffered surgery under unavoidable and emergent situation. His case is squarely covered by judgment of Supreme Court in Shiva Kant Jha (supra) as well as judgment of this Court in Raghbir Singh (supra).

8. In the wake of above discussion and findings, the instant petition deserves to be allowed and accordingly allowed. Respondents are directed to reimburse petitioner's claim of medical expenses within four weeks from today, failing which would be liable to pay interest @ 9% per annum on the expiry of said period.

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