
(2017) 02 P&H CK 0219
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 11673 of 2016 (O/M)

Chand Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 07-02-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 2 LawHerald 1193

Hon'ble Judges : Mr. Kuldeep Singh, J.

Bench : Single Bench

Advocate : Mr. Sandeep Parkash Chahar, Advocate, for the Petitioner; Mr. Keshav Gupta, Assistant A.G. Haryana, for the Respondent

Final Decision : Allowed

Judgement

Kuldeep Singh, J.(Oral) - The petitioner is working in the Haryana Police as a Sub Inspector at Rohtak. On 1.8.2014, his wife Smt. Sheela was having an excessive uneasiness, sweating and retrosternal chest pain for about three hours. In the emergency, she was immediately rushed to the nearest hospital, namely, Oxygen Hospital, Rohtak, where she was admitted in emergency on 1.8.2014 with CAD-unstable angina with ongoing chest pain. The coronary angiography revealed DVD - Mid LAD 80% and Mid RCA 80% disease. She was advised emergency operation to install stent, which was accordingly implanted and she was discharged from the said hospital on 3.8.2014. The petitioner submitted the medical bills to the tune of Rs. 2,26,083-59. In this regard, a legal notice (Annexure-P-3) was sent to the Collector and Civil Surgeon, Rohtak for issuance of Emergency Certificate, which was declined by the Civil Surgeon, Rohtak, vide letter dated 14.5.2015 (Annexure-P-4), stating that as per the opinion of the Cardiologist, there was no emergency in this case. The emergency certificate was refused, which was required as per the Government instructions. Therefore, the reimbursement was also refused.

2. The respondents have taken the stand that since there was no emergency,

therefore, the emergency certificate was declined. The said Oxygen Hospital, Rohtak, was not on the approved list. Therefore, the reimbursement of the medical bills has been correctly denied. Respondent No. 3 has relied upon the view taken by the Sr. Professor and Head, Department of Cardiology, PGIMS, Rohtak, who was of the opinion that there was no emergency in this case.

3. I have heard the learned counsels for the parties and have also carefully gone through the file.

4. The emergency certificate dated 3.8.2014 (Annexure-P-1 Colly), issued by Oxygen Hospital, Rohtak, is reproduced as under :-

"This is to certify that Mrs. Sheela W/o Shri Chand Singh resident of Rohtak was admitted in emergency on 1/8/2014 vide Cr. no. C/14194 with CAD-Unstable Angina with ongoing chest pain. Coronary angiography revealed DVD-Mid LAD 80% and Mid RCA 80% disease. Her PTCA and Stent to LAD and RCA was done on 1/8/2014 in emergency to save her life and discharged on 3/8/2014."

5. The petitioner has produced the record, which shows blockage of both the arteries. The patient was feeling uneasiness and sweating and if she had not been removed to the nearest hospital at that time, such symptoms would have resulted in fatality. In these circumstances, the petitioner was justified in removing his wife to the nearest hospital for immediate treatment. The fact that the blocking of both the arteries were found and that the stent had to be implanted, goes to show that it was a case of emergency. The emergency point of view is not to be taken from the angle of the doctor, but the same should be considered from the point of view of common man or a patient. From the point of view of the doctor, the requirement to implant the stent may not be emergency, but from the point of view of the patient when he/she is facing such situation for the reason of uneasiness, sweating and chest pain, it can be a good case for emergency treatment. Therefore, it is held that the treatment in the present case is to be taken as a emergency case. Therefore, even if the emergency certificate is declined, the petitioner is entitled to reimbursement of medical bills in terms of Government rules. Accordingly, the present writ petition is allowed. Respondents are ordered to reimburse the medical bills at PGIMS, Rohtak, rates, within two months from the date of receipt of certified copy of this order along with interest at the rate of 9% per annum from the date these were submitted till the date of payment.