
(2026) 01 P&H CK 1823

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 39210 Of 2025 (O&M)

Kapoor Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 15-01-2026

Acts Referred:

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

Citation : (2026) 01 P&H CK 1823

Hon'ble Judges : Harpreet Singh Brar, J

Bench : Single Bench

Advocate : Ketan Antil, Piyush Khanna, Vikrant Pamboo

Final Decision : Allowed

Judgement

Harpreet Singh Brar, J

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the order dated 29.10.2025 (Annexure P-6), vide which claim of the petitioner for release of medical reimbursement to the tune of Rs.20,30,000/- has been rejected and further to issue a writ in the nature of mandamus directing the respondents to release full amount of the medical claim along with interest @18% per annum till the date of actual realization.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner was serving the respondent-Corporation and on attaining the age of superannuation, he retired from the post of CDM. Further, since his birth, son of the petitioner was being diagnosed with major heart disease and his heart transplantation was recommended. Thereafter, the petitioner got enrolled his son in approved hospitals for transplantation and when no donor was found there, he got enrolled his son in MGM Healthcare Pvt. Ltd., Chennai. After receiving an information with regard to availability of heart donor, the petitioner got admitted his son in the said hospital for treatment, where surgery was conducted on 23.08.2023,

however, unfortunately, his son could not survive and was declared dead on the next day i.e. 24.08.2023, as discernible from his death certificate (Annexure P-1). Thereafter, the petitioner applied for medical reimbursement of an amount of Rs.20,30,000/-, however, only an amount of Rs.10,08,246/- has been reimbursed by the respondent-Corporation vide sanction order dated 17.07.2025 (Annexure P-4).

3. Learned counsel for the petitioner further contends that son of the petitioner was operated under emergency circumstances and his treatment was taken from a non-empanelled hospital, as no donor was available in the empanelled hospital. Further, the petitioner submitted a representation dated 13.08.2025 (Annexure P-5) to reimburse the full amount of medical claim, which was decided vide impugned order (Annexure P-6), by holding that medical reimbursement to the tune of Rs.10,08,0246/- has rightly been released and no reasons have been recorded in the said order. As such, the impugned order is illegal, discriminatory and against the settled law. Learned counsel for the petitioner relies upon a judgment rendered by the Coordinate Bench of this Court in Harpal Singh Vs. State of Haryana and another, 2025 NCPHHC 25294 and submits that case of the petitioner is squarely covered by this judgment.

4. Per contra, learned counsel for respondents No.2 to 4 opposes the prayer made in the present petition and submits that after considering all the material available on record, the respondent-Corporation has rightly reimbursed the medical claim of Rs.10,08,246/- in favour of the petitioner, as per relevant instructions/rules. However, he could not controvert the fact that case of the petitioner is covered by the judgment passed by this Court in

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the issue involved in the present case is no longer res integra.

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 the preservation of human life is instinctive, but it also forms a part of Article 21 of the Constitution of India, 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 violation of the fundamental rights enshrined under Article 21 of the Constitution of India. Reliance in this regard can be placed on the judgment 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 selfpreservation 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, son of the petitioner underwent heart transplantation,

which was necessary at that moment in order to save his life, as also depicted by his medical record. Therefore, the test of essentiality and emergency stands satisfied.

9. Accordingly, present petition is allowed and impugned order dated 29.10.2025 (Annexure P-6), vide which release of medical reimbursement to the tune of Rs.20,30,000/- has been rejected, is hereby set aside. The respondent-Corporation is directed to reimburse the entire medical claim amounting Rs.20,30,000/- in favour of the petitioner, excluding an amount of Rs.10,08,246/-, which has already been released to him in terms of the sanction order dated 17.07.2025 along with interest @6% per annum from the date of passing of sanction order till the date of actual payment. Needful be done within a period of four weeks from the date of receipt of certified copy of this order.

10. It is made clear that if the due amount is not released within the stipulated time, the same will carry interest @9% per annum, to be recoverable from the officer responsible for causing the delay.

11. The pending miscellaneous application(s), if any, shall stand disposed of.