
(2012) 04 RAJ CK 0121
In the Rajasthan High Court
Case No : Civil Writ Petition No. 11205 of 2008

Mukut Bihari Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Citation : (2012) 2 WLN 572

Hon'ble Judges : M.N. Bhandari, J

Bench : Single Bench

Advocate : Ashish Sharma, for the Appellant; Sunita Satyarthi, Addl. G.C., for the Respondent

Final Decision : Allowed

Judgement

M.N. Bhandari, J.—Heard finally with consent of learned counsel for the parties. Petitioner underwent open heart surgery in Tongya Hospital in emergent situation. He submitted medical bills for reimbursement but denied as Tongya Hospital was not one of the recognized hospitals at the relevant time, by the State of Rajasthan.

2. It is stated by learned counsel for the petitioner that, controversy aforesaid has already been settled by Division Bench of this Court in the case of State of Rajasthan & Ors. Vs. Surendra Kumar Kalra, DB Civil Special Appeal (Writ) No. 1276/06 decided on 17.01.2008. Therein reimbursement of medical bills has been permitted to the extent it is permissible for similar treatment in government hospital. Accordingly, writ petition may be allowed.

3. Learned counsel for the respondents, on the other hand, opposed prayer made by the petitioner and submitted that at the relevant time, Tongya Hospital was not one of the recognized hospitals. Thus, reimbursement of medical bills has rightly been denied. Heard learned counsel for the parties and perused the material available on record.

4. Controversy as raised hereinabove was taken up for consideration by the

Division Bench of this Court in the case of State of Rajasthan & Ors. vs. Surendra Kumar Kalra (supra). Therein also employee underwent open heart surgery in Tongya Heart & General Hospital, Jaipur. He was denied reimbursement of medical bills. However, the Division Bench while disposing of the appeal preferred by the State Government directed for reimbursement of medical bills on the rates applicable for similar treatment in government hospital. In view of aforesaid and looking to similarity in facts, the writ petition is allowed. Respondents are directed to reimburse medical bills of the petitioner to the extent and at the rate applicable for similar treatment in government hospital at the relevant time. The directions, aforesaid, may be complied with within a period of two months from the date of receipt of copy of this order.