
(2000) 10 P&H CK 0140
In the Punjab And Haryana At Chandigarh
Case No : CWP 6933 of 2000

Nand Kishore

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 31-10-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 10 P&H CK 0140

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

Bench : Single Bench

Advocate : Mr. P.K. Mutneja, for the Appellant; Mr. Yashpal, AAG, for the Respondent

Judgement

R.L. Annnd, J.—Nand Kishore, petitioner, has filed the present writ petition under Article 226/227 of the Constitution of India, for the issuance of a writ in the nature of certiorari and he has prayed for quashing the orders, Annexures P-14 and P-17. He has further prayed that a writ in the nature of mandamus be issued against the respondents to reimburse the full medical expenses which are being incurred by him on follow-up treatment of kidney transplant.

2. The case set up by the petitioner is that he was appointed as a Clerk in the Treasury Department of respondent No. 1 on 9.9.1971. On 3.7.1997, he got himself treated in Civil Hospital, Panipat, as a case of chronic renal failure, which is a chronic disease as per item No. 5 specified by the Haryana Govt. instructions. The petitioner was referred to the Medical College, Rohtak. On 11.8.1998, the petitioner got himself examined in B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak, and he was referred to the Batra Hospital, New Delhi. The petitioner remained admitted in the Batra Hospital from 24.8.1998 to 1.9.1998 and then, from 8.9.1998 to 18.9.1998. The petitioner got his last dialysis done from the Batra Hospital on 28.9.1998. On 2.10.1998, the petitioner got himself admitted in Ram Dass Kishori Lal Charitable Trust Hospital, Amritsar, which is declared as an Institute of State importance by the State of

Punjab but this hospital is not on the panel of the Haryana Govt. The petitioner had to go to this hospital as his life was in danger. He was operated upon on 20.11.1998 at Amritsar and he remained admitted in that very hospital up to 30.11.1998. On 1.3.1999, the petitioner got his follow-up treatment from the Batra. Hospital, New Delhi. The petitioner submitted his bill for medical reimbursement to the tune of Rs. 1,90,587/- plus Rs. 3,949/- on 10.5.1999. He submitted another bill amounting to Rs. 24,721/- on 21.6.1999 for the expenses incurred on follow-up treatment at the Batra Hospital, New Delhi. The Director. Treasury and Accounts, Haryana, Finance Department, raised some objections on 5.8.1999 as a result of that, the petitioner filed CWP 15708 of 1999 before the High Court, which was disposed of on 21.2.2000 with the observations that it will always be open to the petitioner to take such steps in accordance with law in the event if he is not satisfied with the order, Annexure P-13. the grouse of the petitioner is that the respondent-authorities are rejecting his claim of medical reimbursement of the follow-up treatment and as per the petitioner he is spending Rs. 13,000/- every month. He has already spent Rs. 22,632/- and Rs. 16,382/- on his follow-up treatment but the same are not being reimbursed by the respondent-authorities, on the plea that the petitioner is only entitled to the treatment amounting to Rs. 6,000/- per year.

3. Notice of the writ petition was given to the respondents.

4. The stand taken up by the respondents is that it is the policy of the Govt. to treat such like patients as outdoor patients and as per the decision of the Govt., the petitioner is only entitled to medical reimbursement amounting to the maximum of Rs. 6,000/- per year.

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

6. Some facts are not disputed, such as, that the petitioner is an employee of the respondent-Govt. He is entitled to the medical reimbursement as per the Govt. rules. It is also not disputed that the petitioner is a case of chronic renal failure and his kidney was transplanted in the Ram Das Kishori Lal Charitable Trust Hospital, Amritsar, which is an institute of State importance. Also it is not disputed that the petitioner had got medical reimbursement of the actual expenses regarding his kidney transplant. This unfortunate disease is such that it requires a constant care. Sometimes it requires dialysis and the patient is always supposed to remain free from infection. A regular and periodical check-up is required in such a disease of which the petitioner is suffering. In these circumstances, the Govt. cannot lay a uniform policy that the petitioner is only entitled to Rs. 6,000/- per year as out-door patient. The petitioner is spending Rs. 12,000/- per month approximately for his medical follow-up and the State is bound to reimburse him.

7. In these circumstances, the present writ petition is allowed and the directions are given to respondent-authorities to reimburse the amount incurred by the

petitioner on his follow-up treatment from time to time but the medical reimbursement shall be given to the petitioner on those rates which are applicable in the AIIMS, New Delhi or PGI, Chandigarh. If the bill submitted by the petitioner is less than the rates application in AIIMS, New Delhi or PGI, Chandigarh, then, in that eventuality, the petitioner will get the actual amount of the bill. This Court expects that the respondent- authorities shall decide the case of the petitioner for follow-up treatment within two months from the receipt of a copy of this order. No costs.

Dasti.

8. Petition allowed.