
(2007) 05 RAJ CK 0089
In the Rajasthan High Court

Pawan Kumar Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-05-2007

Acts Referred:

Citation : (2007) 3 RLW 2475

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ashok Parihar, J.—Respondents had been served long back in August, 2005, however, in spite of repeated opportunities been given, no reply has been filed on behalf of the respondents.

2. The controversy in regard to medical reimbursement has been decided by this Court in number of writ petitions. The petitioner has been denied reimbursement on the ground that prior permission for surgery at Escorts Heart Institute has not been sought. Time and again the Courts have expressed anxiety in such matters where the heart patients require immediate care, attention and proper treatment. The technicalities and necessities of certain prior permission should always be ignored in such matters. The emergency sees no laws. The main concern of the patient at the particular moment is to save his life and not to wait for the necessary formalities to be done by the officials. In the present bureaucratic set up when no definite guidelines have been issued by the State Government in regard to taking immediate decision in such matters, the patients cannot be denied treatment from a hospital of his own choice. In the present matter the treatment has been received at a recognized hospital.

3. Accordingly, the writ petition is allowed. The respondents are directed to reimburse the entire amount as per bills submitted by the petitioner within thirty days from the date of receipt of certified copy of this order. Though authenticity of the bills cannot be disputed, still the petitioner may submit an undertaking

that he will refund the entire amount if the bills are found forged at any point of time. The respondents shall also pay a cost of Rs. 20,000/- to the petitioner along with the amount as ordered above.