
(2014) 02 P&H CK 0114
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1052 of 2014

Pushpa Nagpal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2014) 175 PLR 748

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Aman Priye Jain, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court assailing the policy which has been put into force through the Medical Reimbursement Rules, 2005 (Annexure P-7) issued on 06.05.2005 on the ground that only few selected hospitals have been approved by the Government of Haryana for full reimbursement of the treatment taken from the said hospitals or at the rates of AIIMS, New Delhi, Government Hospitals in the State of Haryana, PGI Chandigarh, General Hospital Sector-16, Chandigarh, Medical College Sector-32 Chandigarh and PGI, Rohtak. Counsel contends that this classification is violative of Article 14 of the Constitution of India as the petitioner has been denied opportunity to get treatment from the hospital of her choice. Petitioner had, in an emergency situation, approached Indian Spinal Injuries Centre, Vasant Kunj, New Delhi where she was admitted as an indoor patient from 7th to 13th of July, 2012. Because of the pain and suffering which the petitioner was undergoing, emergency operation had to be carried out on her, but on an application submitted by the petitioner for reimbursement of the bills, which she had incurred on her treatment, has been rejected on the ground that she had not been issued the emergency certificate by the Civil Surgeon, Civil Hospital, Gurgaon where she had approached for grant of the same. He contends that the

requirement of the emergency certificate stood fulfilled and the hospital where the petitioner was admitted and got her treatment had certified that it was an emergency which required an immediate remedial operation to be conducted on her. He, thus, contends that the action of the respondents firstly only specifying a few hospitals to be authorised/approved for treatment which would entitle them to reimbursement as also non-issuance of the emergency certificate by the Civil Surgeon, Gurgaon amounts to violating Article 14 of the Constitution. Accordingly, prayer has been made for directing the respondents to reimburse the claim of the petitioner at least at AIIMS, New Delhi/PGIMS, Rohtak rates.

2. This contention of the counsel for the petitioner cannot be accepted in the light of the fact that the claim of the petitioner is based upon and is dependent upon the terms and conditions as has been specified in the policy for reimbursement of medical bills. The policy dated 06.05.2005 (Annexure P-7) clearly specifies the requirements, which are to be fulfilled under the said policy. It is an admitted position that as per the said policy and the earlier policies in force, the requirement of emergency certificate from the Civil Surgeon was mandated in case treatment was taken from an unauthorised/unapproved private hospital. Unfortunately for the petitioner, the Civil Surgeon has not certified the treatment taken by the petitioner to be one of such a nature which required emergency surgery. The mandate of the instructions/policy having not been fulfilled, the petitioner was not entitled to the grant of reimbursement claim as put forth by her.

3. As regards the contention of the counsel for the petitioner that only a few hospitals have been approved for taking medical treatment for entitlement of the medical reimbursement of expenses incurred during treatment again is a matter of policy to be decided by the State. It is for the competent authorities of the State to consider and decide with regard to the claims which cannot be claimed as a matter of right if the policy instructions are not fulfilled. Merely because some hospitals have been named in the policy as approved hospitals and others are not, would not amount to violating Article 14 of the Constitution. The State has to be given leverage in its policy matters because it is the best judge as to which would suit the requirement and the purpose for which policy is being issued by the State. In policy matters, open discretion has to be given to that extent and the Courts, therefore, generally do not interfere in such policy matters. In view of the above, finding no merit in the writ petition, the same stands dismissed.