

(2011) 03 RAJ CK 0114
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5210 of 2010

Sakuntla Bohra

APPELLANT

Vs

Rajasthan State Ganganagar Sugar Mills Ltd. and Others

RESPONDENT

Date of Decision : 22-03-2011

Acts Referred:

Citation : (2011) 03 RAJ CK 0114

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Govind Mathur, J.—Shri Asu Lal Bohra while working with Mandore Unit of Respondent Company, suffered brain hemorrhage on 4.12.2007. From the Unit aforesaid, he was immediately taken and admitted with Mahatma Gandhi Government Hospital, Jodhpur as an indoor patient. Unfortunately, a call was given by the doctors working at the hospital aforesaid to observe strike from 5.12.2007. Shri Asu Lal Bohra, therefore, was taken to a private hospital, namely, Manidhari Hospital, Jodhpur. Shri Bohra ultimately died on 29.12.2007 and during the entire period of treatment he remained in coma. After death of Shri Bohra, his wife, the present Petitioner claimed for reimbursement of medical expenses incurred in treatment of Shri Bohra. The Respondents denied for reimbursement of the amount aforesaid on the count that Rajasthan State Ganganagar Sugar Mills Medical Attendance Rules, 2000 nowhere prescribes for reimbursement of medical expenses if treatment is taken in a private hospital, other than the hospitals enlisted. The Manidhari Hospital, Jodhpur is not an approved enlisted hospital, therefore, the expenses incurred while undergoing treatment at the hospital aforesaid is not open for reimbursement.

2. Heard learned Counsel for the parties.

3. The Rajasthan State Ganganagar Sugar Mills Medical Attendance Rules, 2000 were framed by the Company with an object to provide assistance to its

employees while availing medical attendance and treatment. Such assistance is available to the employees on undergoing treatment with a Government hospital or at a hospital enlisted and approved by the Company. Admittedly, Manidhari Hospital is not an enlisted and approved hospital. Shri Asu Lal Bohra while on duty suffered with brain hemorrhage and he was immediately taken to a Government hospital, but looking to the proposed strike of doctors at the hospital concerned, he was shifted to a private hospital, where he died on 29.12.2007. During the period aforesaid, he remained in coma.

4. The fundamental object of the Rules of 2000 is to provide assistance to the employees while availing medical attendance and treatment and that is as per the expenses that would have been incurred while undergoing treatment at the Government hospital. The emphasis of the assistance given under the Rules of 2000 is availment of treatment and not the institution /hospital, wherefrom such treatment is taken. The sole object is to extend a helping hand to the employee while undergoing medical treatment assistance and, that is equivalent to the expenses incurred, if the treatment would have been taken at a Government hospital. An employee may have not taken treatment at Government hospital, but he is certainly entitled for reimbursement of the medical expenses and that would be equivalent to the expenses incurred, if he would have availed a treatment at Government hospital.

5. It is also pertinent to note that the Petitioner was taken to a private hospital looking to critical condition of his health and proposed strike of the doctors. The family members, friends and relatives of Petitioner were not at all in position to bear any risk for life of Petitioner's husband by keeping him at a Government hospital, where the medical staff was going on strike within a period of 24 hours.

6. The circumstances demands that the Respondents should have reimbursed the medical expenses to the Petitioner, that is an amount equivalent to the amount that would have been incurred at Government hospital while undergoing the same treatment as availed by Shri Asu Lal Bohra.

7. Accordingly, this petition for writ is allowed. The Respondents are directed to reimburse the medical expenses to the Petitioner for undergoing treatment by Shri Asu Lal Bohra at Manidhari Hospital, Jodhpur. The amount that is required to be reimbursed should be equivalent to the amount that would have been incurred in availing the treatment at a Government hospital. The amount aforesaid is required to be paid to the Petitioner within a period of three months from today.