
(2026) 02 P&H CK 1781

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 18108 Of 2018 (O&M)

Santro Devi

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 11-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 21, 226, 227

Citation : (2026) 02 P&H CK 1781

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : Parveen Moudgil, Akshit Pathania

Final Decision : Allowed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of letters dated 23.07.2012 and 17.05.2018 whereby the respondent has rejected her claim for reimbursement of medical expenses.

2. The petitioner's husband belonged to Haryana Police Force. He was suffering from progressive weakness in all four limbs with respiratory distress. He was admitted in Max Hospital under emergency conditions to decompress his tumor. The Doctors after examining him found that he was suffering from intramedullary tumor with cord edema. He was subjected to surgery on emergency basis. He was admitted on 05.03.2012 and passed away on 12.03.2012. The petitioner incurred a sum of Rs.2,25,016/- on aforesaid surgery. She requested respondent to reimburse her medical expenses, however, respondent rejected her claim on the ground that the deceased official availed medical services from an unapproved private hospital and the emergency has not been certified by civil surgeon. She unsuccessfully served legal notice dated 17.10.2012 upon the respondent for reimbursement of medical expenses. She approached this Court

by way of CWP-14803-2016 seeking direction to respondent for reimbursement of medical expenses. During the pendency of aforementioned petition, the respondent-department submitted opinion of Civil Surgeon, Jind dated 12.05.2012 stating that the treatment taken by the deceased official was not done under emergency conditions. The petition was dismissed as withdrawn vide order dated 08.01.2018 with liberty to file afresh. She again served legal notice dated 15.02.2018 seeking reimbursement of medical expenses at PGI rates without emergency certificate from civil surgeon in light of judgment passed by Coordinate Bench of this Court passed in CWP-1523-2011. The said legal notice was rejected by the respondent vide order dated 17.05.2018.

3. Learned counsel representing the petitioner submits that petitioner's case is squarely covered by judgment of this Court in 'Raghubir Singh Versus Chief Administrator', 2024 SCC OnLine P&H 5428.

4. Learned State counsel submits that deceased official wrongly availed medical services from an unapproved private hospital. The respondent is bound by opinion of Civil Surgeon. The reimbursement cannot be granted in violation of the applicable rules and guidelines.

5. Heard the arguments and perused the record.

6. This Court in Raghubir Singh (supra) has considered the issue involved herein. It has been held that action of respondent would be violative of Article 21 of the Constitution if employee is compelled to avail services from an empanelled hospital despite emergency because there may be loss of life. The Court has relied upon judgment of Hon'ble Supreme Court in 'Shiva Kant Jha Versus Union of India', 2018(16) SCC 187.

7. The petitioner's husband indubitably was suffering from tumor. He was admitted in a private hospital under emergency and had to undergo surgery. He passed away during his admission. The petitioner is certainly entitled to reimbursement of medical expenses because the deceased official suffered surgery under unavoidable and emergent situation. Her case is squarely covered by judgment of Supreme Court in Shiva Kant Jha (supra) as well as judgment of this Court in Raghubir Singh (supra).

8. In the wake of above discussion and findings, the instant petition deserves to be allowed and accordingly allowed. Respondents are directed to reimburse petitioner's claim of medical expenses at PGI rates within four weeks from today, failing which would be liable to pay interest @ 9% per annum on the expiry of said period.

9. Pending application(s), if any, shall also stand disposed of.