
(1996) 02 RAJ CK 0024
In the Rajasthan High Court
Case No : Civil Writ Petition No. 158 of 1993

Shyam Singh

APPELLANT

Vs

State or Rajasthan and Others

RESPONDENT

Date of Decision : 13-02-1996

Acts Referred:

Citation : (1996) 1 RLW 608 : (1996) 2 WLC 441 : (1996) 1 WLN 229

Hon'ble Judges : N.C. Kochhar, J

Bench : Single Bench

Judgement

N.C. Kochhar, J.—Heard. The petitioner has been working as an Assistant Accounts Officer, in the office of the Deputy Director, Local Fund Audit Department, Jodhpur (The respondent No. 4). He took leave with effect from 30th July, 1991 and went to Nadiad in the State of Gujarat, in connection with the engagement-ceremony of his son. There, he fell ill by suffering from Extra Sock Wave Lithotripsy (ESWL) and got admitted in the Mulji Bhai Patel Urology Hospital, Nadiad, where he was operated upon on 1st August, 1991 and where he remained admitted upto 5th August, 1991. He made payment of Rs. 6,000/- by way of operation-charges and spent Rs. 266.24, for purchasing the medicines, prescribed by the said Hospital. A receipt dated 6th August, 1991 (Annex. 1) was issued to him in respect of the operation-charges paid by him to the Hospital and the certificate dated 6th Aug. 91 (Annex. 2) was issued in respect of the verification of the bills amounting to Rs. 266.24, by which, the medicines had been purchased. The petitioner submitted his claim for reimbursement of the amount, spent by him by way of ..operation-charges, besides the amount, spent by him for purchasing the medicines, prescribed by the Hospital. His bills were, however, not passed by the State Government, on the ground that the Hospital in question had not been recognised. The petitioner has filed this writ petition, challenging the order, refusing reimbursement of the bills in question and has pleaded that the Hospital in question has been recognised by the State of Gujarat, for its employees, in respect of lithotripsy-treatment, which is not available in the Government Hospitals and has issued the notification dated 3rd

September, 1991 (Annex.3) in this respect, and it has been prayed that the respondents be directed to reimburse the bills of the petitioner, in respect of his operation and treatment at the above-said Hospital in Nadiad.

2. The writ petition has been contested by the respondents, on the ground that according to the rules, a medical-treatment, outside the State of Rajasthan, can be had from a hospital, run by the Central Government or by the State Government, or from a hospital, which is recognised by the State of Rajasthan and that the State of Rajasthan having not recognised the above-said Hospital at Nadiad, the petitioner cannot claim any relief on the basis of the recognition of the said Hospital by the State Government of Gujarat.

3. Annexure-3 is the notification, issued by the State of Gujarat, in which, it has specifically been mentioned that since lithotripsy-treatment is not available in the Government hospitals, three hospitals were being recognised as the authorised hospitals, where the said treatment can be had by the employees of the Government of Gujarat and one of those hospitals, is the Mulji Bhai Patel Urology Hospital, Nadiad, in which, the petitioner was operated upon and he got his treatment.

4. It is thus clear that the facility of the treatment, like the one, taken by the petitioner, was not available at the Government Hospital, at Nadiabad, which fact is apparent from the notification, issued by the Government of Gujarat itself, who has recognised Mulji Bhai Patel Urology Hospital, Nadiad, as one of the hospitals, in which, the Government Servants of the State of Gujarat can get the treatment. The only question, in these circumstances, which is required to be answered, is as to whether in such a situation, an employee of the State of Rajasthan, who falls sick at a place, where the required treatment, is not available in the Government Hospital and where no hospital having the treatment, has been recognised by the State Government, should remain untreated and if he gets treatment, can he be deprived of the benefit of being treated at the cost of the State Government. Health is the prime consideration of everyone and on falling ill, one has to take the medical-aid, at such a place, where it is available. Accordingly, my answer to the question, is that an employee of the state of Rajasthan, on falling ill, at a place outside the State of Rajasthan, where no treatment is available for the ailment concerned at the Government hospital and no other hospital is recognised by the State of Rajasthan, can get treat in a hospital, where such treatment is available and such hospital is recognised by the State Government of the place concerned.

5. Consequently, I am of the view that the respondents, decision not to reimburse the petitioner, for the amounts, spent by him, for undergoing operation at Mutji Bhai Patel Ureology Hospital, at Nadiad and for purchasing the medicines, prescribed by the said Hospital, is not legal, but is unjust and is liable to be set aside.

6. In the result, the writ petition succeeds and the order, refusing to reimburse

the petitioner in respect of the amounts, spent by him vide Annexure 1 and 2, is quashed and it is directed that the petitioner should be paid the amounts, by the State of Rajasthan, within a period of one month from today.

7. The writ petition stands disposed of accordingly.