

(1998) 10 SC CK 0052

In the Supreme Court Of India

Case No : Civil Appeal No. 5206 of 1998 Arising out of SLP (C) No. 19633 of 1997

State of Punjab and Others

APPELLANT

Vs

Mohan Lal Jindal

RESPONDENT

Date of Decision : 26-10-1998

Acts Referred:

Citation : (2001) 9 SCC 217

Hon'ble Judges : S. B. Majmudar, J;M. Jagannadha Rao, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.

2. We have heard learned counsel for the parties. The questions involved in the present proceedings are squarely covered by a judgment of three-Judge Bench of this Court in the case of State of Punjab v. Ram Lubhaya Bagga. The view taken in the said decision is that when an employee requires medical treatment after the new policy dated 13-2-1995 had come into operation, he will be entitled to medical reimbursement on the basis of the new policy at AIIMS rate. It is not in dispute between the parties that the respondent suffered a heart attack on 20-7-1995 and underwent bypass surgery on 29-7-1995. According to learned counsel for the respondent as there was a long queue of patients at AIIMS Hospital for bypass surgery and his case was of emergency, he had to go to other hospital. It may be so. However, in the light of the reported decision, the medical reimbursement available to the respondent will that the AIIMS rates, which has already been paid to him. The additional amount which he has claimed was granted by the High Court on the ground that the new policy was not sufficiently published. The said view of the High Court cannot be sustained. Consequently, the appeal is allowed by observing that the respondent will be entitled to medical reimbursement in the light of the new policy i.e. at AIIMS rates. It was however, vehemently submitted by learned counsel for the respondent that exception

deserves to be made in this case as the respondent who was a Teacher could not afford such huge medical expenses which had to be incurred by him due to long queue for bypass surgery in the AIIMS Hospital and he had to go to other hospital. It is further submitted by learned counsel for the respondent that the appellants may consider his grievance. He may submit such a representation on compassionate grounds. We have no doubt that such a representation will be sympathetically considered by the appellant authorities on its own merits. The judgment of the High Court will stand modified to the extent indicated herein. No costs.