

(2007) 04 RAJ CK 0087
In the Rajasthan High Court

Surendra Nath Bhargava

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 11-04-2007

Acts Referred:

Citation : (2008) 1 RLW 572

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Judgement

Ashok Parihar, J.—The petitioner, a retired Chief Justice of the High Court, has also to seek remedy before this Court under writ jurisdiction. Petitioner has been denied reimbursement for putting a Cyphe Stent at the time of Angioplasty only on the ground that prior approval or recommendation of the Cardiologist from the government hospital has not been obtained for putting the Cypher Stent. It is not disputed that the petitioner was, otherwise, entitled for reimbursement of putting Cypher Stent. The stand taken by the respondents, on the face of it, appears to be highly unreasonable, hyper technical and nothing but insensitive bureaucratic approach of the concerned authorities. It is for the operating physician or the Surgeon to use his discretion at the time of Angioplasty for putting a normal Stent or a Cypher Stent. He is not supposed to stop the whole process till formal approval or recommendation is received moreso in such emergencies. Since the petitioner was entitled for putting a Cypher Stent, there is no reason as to why he has been denied reimbursement on such unsustainable grounds.

Accordingly, the writ petition is allowed. Respondents are directed to make the payment of remaining amount due against the bills submitted by the petitioner within 30 days from the date of receipt of certified copy of this order. Though authenticity of the bills submitted by the petitioner cannot be questioned, still the petitioner may also file an affidavit verifying the bills submitted by him. The respondents are further directed to pay a cost of Rs. 20,000/- to the petitioner alongwith the amount, as ordered above.