
(2013) 11 P&H CK 0287
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 427 of 2011

Surinder Paul

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 15-11-2013

Acts Referred:

Citation : (2014) 3 SCT 213

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Judgement

Ajay Tewari, J.—By this petition the petitioner has claimed medical reimbursement for the treatment of his wife at Vancouver General Hospital. On 26.04.2012 the following order was passed:-

The petitioner claims medical reimbursement for some treatment his wife had to incur while they were visiting Canada. Learned Addl. A.G. states that as per the reply since the petitioner did not take prior approval of this treatment abroad no reimbursement can be made. I put it to the learned Addl. A.G. what would be the different between a person who takes treatment in a private hospital outside Punjab and a private hospital outside India, because in the first case, on verification etc. the Government would reimburse at PGI/AIIMS rate, learned Addl. A.G. seeks a short adjournment to get instructions on this aspect.

Today, I again put it to the learned Deputy Advocate General as to what would be the position if the person obtained unauthorized treatment from an unapproved private hospital within India. She has fairly stated that such a case when the treatment is medically necessary the State reimburse such a person as per the rates applicable for such treatment in PGI/AIIMS.

2. In view of the statement of the learned Deputy Advocate General, learned counsel for the petitioner states that she would have no objection if the petitioner is granted reimbursement at PGI/AIIMS rate. She has further relied upon the judgment in the matter of Hawa Singh Hooda v. Haryana Vidyut

Parsaran Nigam and another, reported as 2009 (2) SLR 716, wherein the Hon''ble Supreme Court in paragraphs No. 4 & 5 has held as follows:-

4. Counsel for the petitioner has placed reliance on a Division Bench judgment of this Court in Mahipal Singh Vs. State of Haryana and Others, wherein it was held as follows:-

In a case where the life of a human being is at stake, it is too technical to require such a person to hunt for a list of the approved hospitals and then decide which hospital to go in emergency situation. Sometimes such hospitals may not be able to accommodate the patient and at that time the attendant is not expected to first look into the list of approved/recognized hospitals for medical reimbursement and then proceed for treatment. Such procedures should not be expected to be followed in an emergency by the attendant of the patient. If such regulations are applied so strictly, it would result in a disastrous situation and the patient may die. The act committed in an emergency should not be weighed in terms of money, especially when human life is at stake. The provision of free medical treatment or reimbursement in lieu thereof being a beneficial act of the welfare State for its employees, the rules/instructions have to be construed liberally in favour of the employees, for granting them the relief. The authorities are not supposed to adopt a wooden attitude and stick to technicalities while dealing with human problems. There can be no mathematical precision while dealing with human beings....

Counsel for the petitioner has also relied on a Single Bench judgment of this Court in Roshani Devi v. State of Haryana and others, 2002 (3) S.C.T. 110 : 2002 (4) RSJ 364, wherein it was held as follows:-

5.....We all know that the treatment is a matter of confidence between the patient and the doctor. Apollo Hospital is also a hospital of repute in the Northern India. It provides specialised treatment. Some specialties are peculiar to a particular hospital. If a patient opts to go to Apollo Hospital in order to get the genuine treatment, expenditure on getting such treatment should not be scuttled down on the technical ground that he had got the treatment from a hospital which is not recognised. Health is equally important not only to the public servant but also to his family members.

5. In my opinion, the present case is covered by the binding precedents reproduced above. In the circumstances, this writ petition is disposed of with a direction to the respondents to release medical reimbursement to the petitioner at PGI/AIIMS rate within two months from the receipt of a certified copy of this order.

Learned Deputy Advocate General is not in a position to counter the above said judgment.

3. In the circumstances, this petition is partly allowed and the respondents are directed to release the medical reimbursement at PGI/AIIMS rate to the

petitioner within a period of two months from the date of receipt of a certified copy of this order. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.