



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-16062-2026 (O&M)
Date of decision: 09.07.2026

Parath Singh Chauhan

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.L. Verma, Advocate
for the petitioner.

Mr. Harish Nain, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the medical reimbursement bills of the petitioner, amounting to Rs.71,578/-, along with interest @ 9% per annum on the delayed amount.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Science Master on 10.07.1981 in the Education Department and after serving the respondent/Department, he retired on 30.06.2010 as Block Education. During the tenure of service, the petitioner was not keeping good health and sought medical check-up from Medanta Hospital and subsequently, he was admitted in the said hospital and a permanent pace maker dual chamber was implanted to preserve his life. During the treatment, the petitioner remained



hospitalized from 18.05.2025 to 21.05.2025. The petitioner had taken a treatment from an empanelled hospital and the said hospital raised the total bill of Rs.2,49,078/-, out of which the respondents have paid only Rs.1,71,720/- directly to the hospital. The petitioner on 15.07.2025 submitted the medical reimbursement bill along with the requisite documents, including essential certificate, according to which the balance amount of Rs.77,358/- was not paid. Subsequently, vide verification dated 04.02.2026 (Annexure P-2), respondent No.3 determined that an amount of Rs.71,578/- was admissible to the petitioner. Despite the said determination and a representation dated 19.03.2026 (Annexure P-3), the admitted amount has not been released till date.

3. On 21.05.2026, learned State counsel sought time to obtain complete instructions. Today, learned State counsel is unable to dispute either the treatment undertaken by the petitioner, the essentiality certificate issued by Medanta Hospital or the verification carried out by respondent No.3, whereby the petitioner's entitlement to reimbursement of Rs.71,578/- has already been accepted.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The claim for medical reimbursement ought not to be dismissed merely because the claimant underwent treatment in a non-empanelled. In such cases, the test of essentiality and emergency comes into play, which dictates that if the medical procedure was undergone by



the claimant in an emergency, on the advice of a doctor based on his medical record, in order to save his life, the reimbursement for the same must be made. Not only is the preservation of human life instinctive, but it also forms a part of Article 21 of the Constitution of India, and therefore, it shall always retain the highest priority.

6. Moreover, the State bears an obligation to ensure the availability of timely medical care to those in need. As such, it cannot expect the citizens to refrain from availing timely care, merely for the reason of non-empanelment of the hospital. Such conduct on the part of the State does not satisfy the criteria of fairness and reasonableness and therefore, amounts to a violation of the fundamental rights enshrined in Article 21 of the Constitution of India. Reliance in this regard can be placed on the judgments rendered by a two Judge bench of the Hon'ble Supreme Court in ***Surjit Singh vs. State of Punjab and others(1996) 2 SCC 336***, whereby, speaking through Justice M.M. Punchhi, the following was opined:

“8. The policy, providing recognition for treatment of open heart surgery in the Escorts, specifically came to be examined by a Division Bench of the Punjab and Haryana High Court at Chandigarh in C.W.P. No. 13493 of 1992 titled as Sadhu R. Pall v. State of Punjab through Secretary, Health and Family Welfare Punjab, Civil Secretariat, Chandigarh and others, 1994(1) SCT 552 (P&H). decided on 6.10.1993, wherein the claim of the then writ petitioner to medical reimbursement was accepted when in order to save his life he had got himself operated upon in the Escorts, and the plea of the State that he could be paid rates as prevalent in the AIIMS was rejected. Special Leave Petition No. 22024 of 1995 against the said decision was dismissed by this Court on 2.2.1994. The other judgments



of the High Court following the decision in Sadhu R. Pall's case are :

(1) C.W.P. No. 18562 of 1992 decided on 10.5.95 titled K.L. Kohli v. State of Punjab and others, 1995(4) SCT 280 (P&H);

(2) C.W.P. No. 260 of 1995, decided on 30.5.1995 titled Ravi Mohan Duggal v. State of Punjab and others (DB)

(3) C.W.P. No. 5669 of 1994 decided on 4.9.94 titled Prem Singh Gill v. State of Punjab and others;

(4) 1995(4) SCT 816 (P&H) : 1995 (III) Punjab Law Report 529 titled Tarlok Chander v. State of Punjab etc. (SB); and

(5) 1996(2) SCT 148 (P&H) : 1995 (III), Punjab Law Reporter 682 titled Mrs. Surya Pandit v. State of Punjab and others (SB)

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10. It is otherwise important to bear in mind that self preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the Constitution of India , fundamental in nature, sacred, precious and inviolable. The importance and validity of the duty and right to self-preservation has a species in the right of self defence in criminal law...

11. The appellant therefore had the right to take steps in self preservation. He did not have to stand in queue before the Medical Board, the manning and assembling of which, bare-facedly, makes its meetings difficult to happen. The appellant also did not have to stand in queue in the Government hospital of AIIMS and could go elsewhere to an alternate hospital as per policy. When the State itself has brought the Escorts on the recognised list, it is futile for it to contend that the appellant could in no event have gone to the Escorts and his claim cannot on that basis be allowed, on suppositions. We think to the contrary..."



7. In the present case, the petitioner underwent implantation of a permanent dual chamber pacemaker, a procedure necessitated to preserve his life. Significantly, the respondents have neither disputed the treatment nor the essentiality certificate. On the contrary, respondent No.3 has already verified the claim and determined that an amount of Rs.71,578/- is admissible to the petitioner. Once the competent authority itself has accepted the petitioner's entitlement, there remains no justification for withholding the admitted amount for an indefinite period.

8. Consequently, the present petition is allowed and the respondents are directed to reimburse the petitioner for the medical procedure undergone by him, as determined vide Annexure P-2, within a period of 06 weeks from the date of receipt of a certified copy of this order.

9. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

09.07.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No