



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

RSA-6062-2015

Satyawan

.....Appellant

Vs.

State of Haryana and others

.....Respondents

**Reserved on : 27.10.2025
Date of Decision: 20.01.2026
Uploaded On: 20.01.2026**

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. B.K. Bagri, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana
for respondent Nos.1 to 3.

Ms. Nikita Goel, Advocate for
Mr. Piyush Bansal, Advocate
for respondent No.4.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 25.11.2013 passed by Civil Judge (Sr. Division), Rohtak and judgment and decree dated 27.07.2015 passed by Additional District Judge, Rohtak, whereby, the civil suit filed by the appellant for issuance of direction to the respondents-defendants to reimburse the medical expenses incurred by the appellant on the treatment of his son in emergent condition as well as appeal filed by the appellant was dismissed respectively.

2. Brief facts of the case as per pleadings in the civil suit are that appellant was working as Junior Engineer in the office of XEN, HUDA, Division No.1, Rohtak and was posted at the office of BDPO Kathura, Tehsil Gohana, District Sonepat. On 10.09.2010 appellant's son Sumit had gone to



Delhi to meet his uncle in Paschim Vihar, locality of Delhi and accidentally a furious bull hit him which resulted into serious knee injuries. Thereafter, he was rushed to nearby hospital Sri Balaji Action Medical Institute, FC-34, A-4, Paschim vihar, New Delhi where his son was operated on 10.09.2010 itself and the type of operation which was performed was Arthoscopic Act Reconstruction & Partial Menesectomy of Lateral Meniscus Right Knee done under spinal Anaesthesia and in the said emergency treatment, an amount of Rs.61,975/- was spent and Sri Balaji Action Medical Institute also issued emergency certificate dated 10.09.2010.

3. Thereafter, appellant applied for reimbursement of the said amount before Sub-Divisional Officer, Sub-Division No.III, HUDA, Rohtak being the appropriate authority for such application on 20.09.2010 who forwarded the application in original to the Executive Engineer, HUDA, Division No.III, Rohtak. Ultimately the matter was sent to Civil Surgeon, Rohtak, who wrote a letter to Medical Superintendent, Civil Hospital, Rohtak asking him as to whether there was any emergency in the case so that emergency certificate may be issued. Medical Superintendent, Civil Hospital, Rohtak after receiving the said letter refused to write anything in this regard taking the verbal plea that he was not with the patient at the time he sustained injury and got the treatment. Since the appellant did not get any response regarding his application, he served legal notice for the reimbursement which was replied by Civil Surgeon, Rohtak. The plaintiff was not reimbursed the amount in question, therefore, he filed civil suit which was dismissed by learned Civil Judge (Sr. Division), Rohtak vide its judgment and decree dated 25.11.2013. He filed appeal against judgment



and decree dated 25.11.2013 which was also dismissed by Additional District Judge, Rohtak vide its judgment and decree dated 27.07.2015. Hence, the present regular second appeal.

4. Learned counsel for the appellant contends that both the Courts dismissed the civil suit as well as appeal filed by him on the ground that there was no emergency and emergency certificate was not taken from CMO, Rohtak. Further that the appellant failed to prove the emergency involved in conducting the operation from unapproved hospital.

5. Learned counsel for the appellant relies on the following judgments to support his arguments:-

- i) ***State of Punjab Vs. Mohinder Singh Chawla***
1997(1) S.C.T. 716
- ii) ***Shiva Kant Jha Vs. Union of India***
2018(2) S.C.T. 529

6. *Per contra*, learned counsel for the respondents contends that both the Courts have rightly dismissed the civil suit as well as the appeal filed by the appellant.

7. Learned counsel for the respondents relies on the following judgments to support his arguments:-

- i) ***Sohan Lal Vs. The Director of Secondary Education, Haryana & another;***
Neutral Citation No:=2014:PHHC:034821
- ii) ***Raj Kumar Vs. State of Haryana and others;***
Neutral Citation No:=2014:PHHC:144486

8. I have heard learned counsel for the parties and perused the whole record of the file which their able assistance.

9. Admittedly, son of the appellant met with an accident and was hit by furious bull because of which he received serious knee injuries.



Thereafter, he was taken to private hospital i.e. Sri Balaji Action Medical Institute, Paschim Vihar, New Delhi who issued emergency certificate and he was operated in the same hospital. The expenses of treatment were Rs.61,975/-.

10. A perusal of record shows that appellant submitted his bills for reimbursement before Sub-Divisional Officer, Sub-Division No.III, HUDA, Rohtak who forwarded his application in original to Executive Engineer, Division No.-III, Rohtak, who, as per Haryana Government policy referred the matter to Civil Surgeon Rohtak. And Civil Surgeon, Rohtak asked Medical Superintendent, Civil Hospital, Rohtak as to whether it was a case of emergency to get treatment at Sri Balaji Action Medical Hospital or he could be treated anywhere else also so that emergency certificate may be issued.

11. Nothing in writing was given by the Medical Superintendent, Civil Hospital Rohtak and he verbally stated that he was not with the patient at the time he sustained injuries and during his treatment, therefore, he could not comment upon emergency. It would be apposite to reproduce the report sent by Civil Surgeon Rohtak :-

“In order to prove that Sumit got treatment at Sri Balaji Institute emergency, the appellant besides examining himself has not examined and other person to corroborate the version regarding the emergency treatment of Sumit. Admittedly, the appellant submitted his bill for reimbursement to respondent No.4 who as per Haryana Government policy referred the matter to the respondent No.3 Civil Surgeon, Rohtak asking him whether it was the case of emergency to get treatment at Sri Balaji Action Medical Institute or the injured Sumit



could be treated anywhere else. The relevant portion of the report made by Civil Surgeon is reproduced for facilitate reference:-

"It is intimated that as per the treatment record made available and in the view of opinion by Orthopedic surgeons, General Hospital, Rohtak, the treatment cannot be said to be taken in emergency on the following grounds:-

- 1. never was The patient admitted through emergency/causality on dated 10.9.2010 however he was admitted directly as a referred case to the ward and taken up as an elective case.*
- 2. There seems to be tempering of discharge slips the patient has produced photocopies of two discharge slips with discrepancies.*
- 3. The patient admitted at 8.24 a.m. And operation started at 10.00 a.m. On dated 10.9.2010. The emergency operation are only done in dire emergency that too in life threatening condition but in above case, there was no such emergency to be taken up so early for operative procedure as ACL repair operation is an elective surgery.""*

12. Both the Courts by relying upon the opinion/report of Civil Surgeon, Rohtak as referred to above, that there was no emergency in getting the operation conducted, dismissed the civil suit as well as appeal filed by the appellant without appreciating the very fact that when Civil Surgeon, Rohtak asked Medical Superintendent, Civil Hospital, Rohtak as to whether it was a case of emergency to get treatment at Sri Balaji Action Medical Hospital or he could be treated anywhere else also, Medical Superintendent, Civil Hospital, Rohtak did not give anything in writing but



verbally stated that he was not with the patient at the time he sustained injuries and during his treatment, therefore, he could not comment upon emergency. The opinion given by Civil Surgeon, Rohtak as mentioned above is also without examining the patient at the time of the incident and at the time of treatment, therefore, cannot be relied upon.

13. A perusal of judgment and decree passed by both the Courts further shows that appellant was held 'not entitled' for reimbursement of medical expenses spent by him on the operation of his son since the hospital in which his son got treatment and operated was not impaneled in the list of approved hospitals for reimbursement by Haryana Government. Both the Courts totally ignored the emergency certificate given by Sri Balaji Action Medical Institute, Paschim Vihar, New Delhi after which the son of appellant was operated. Notably, as per reimbursement of Medical Expenses Rules, in case of emergency the medical expenses incurred by Government employee even in private hospital can be reimbursed.

14. Now, coming to the judgments referred to by learned State counsel which would not be applicable to the facts and circumstances of this case, since, the facts in both the cases are distinguishable.

15. Now, coming to the judgments referred to by learned counsel for the appellant:-

a) Hon'ble Supreme Court in ***State of Punjab Vs. Mohinder Singh Chawla 1997(1) S.C.T. 716*** held that Government has a constitutional obligation to bear or reimburse the treatment expenses for the government servants and retired government servants.

b) Hon'ble Supreme Court in ***Shiva Kant Jha Vs. Union of India 2018(2) S.C.T. 529*** held that government employee during his life



time or after his retirement is entitled to get the benefit of medical facilities even if they receive treatment at non-impaneled hospital.

16. A bare perusal of whole record shows that appellant went to Delhi where his son was hit by furious bull and received injuries. Thereafter, appellant's son was taken to private hospital where he was operated and expenses to the tune of Rs.61,975/- were incurred on his treatment. Appellant applied for reimbursement of the amount which was rejected on the ground that there was no emergency.

17. For parents, life of the children are of paramount consideration. At the time of emergency, they would never think of the amount spent on the treatment of their children and as to whether it would be reimbursed or not. Emergency knows no law and procedure. Since emergency certificate was given by Sri Balaji Action Medical Institute, therefore, no parent would give a second thought to the same and would immediately rush for the treatment prescribed by the emergency doctor as happened in the present case.

18. In view of the above, judgment and decree dated 25.11.2013 passed by Civil Judge (Sr. Division), Rohtak and judgment and decree dated 27.07.2015 passed by Additional District Judge, Rohtak are set aside. Civil suit filed by the appellant is decreed.

19. Accordingly, the present regular second appeal is **allowed**.

20. Decree sheet be drawn and the parties are left to bare their own cost.

21. Pending application(s), if any, also stand disposed of.

20.01.2026

Saahil

(SUDEEPTI SHARMA)

JUDGE

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