



State of Punjab and Ors. v. Mohinder Singh Chawala

CIVIL APPEAL NOS.16980-81 OF 1996

Country: India

Region: Asia

Year: 1996

Court: Supreme Court

Health Topics: Health care and health services, Health systems and financing, Hospitals

Human Rights: Right to health, Right to life

Facts

Mohinder Singh (the Respondent) had a heart ailment, the treatment for which was not available in the State of Punjab. After obtaining the requisite permission, he received the appropriate treatment from All India Institute of Medical Sciences (AIIMS), New Delhi, a state run hospital. On submitting the bills for reimbursement, bills for room rent paid to the hospital were rejected as inadmissible.

The Respondent subsequently filed a writ petition with the Punjab and Haryana High Court arguing that room rent was an integral part of the expenses for treatment and should therefore be reimbursed. The claim was refuted on the ground that the policy of the government would pay room rent at the rates charged by AIIMS and not the actual expense incurred as room rent.

This appeal was filed in the Supreme Court by the appellants after the High Court ordered them to reimburse the amount claimed by the Respondent.

Decision and Reasoning

The Court upholding the decision of the High Court stated that the government had a constitutional obligation to pay for medical bills incurred by its current and retired employees and as per the policy formulated by the state, it necessarily had to pay the bills.

Directing the state to reimburse the Respondent, in full, for his expenses, the Court held that it was absurd that while the patient underwent treatment in one hospital, rates of another hospital would be applicable to him.

Decision Excerpts

It is now settled law that right to health is integral to right to life. Government has constitutional obligation to provide the health facilities. If the Government servant has suffered an ailment which requires treatment at a specialized approved hospital and on reference whereat the Government servant had undergone such treatment therein, it is but the duty of the State to bear the expenditure incurred by the Government servant. Expenditure, thus, incurred requires to be reimbursed by the State to the employee. Page 2.