



## Shri V.K. Gupta v. Union of India and Anr

2002 IIIAD Delhi 1054; 97 (2002) DLT 337

**Country:** India

**Region:** Asia

**Year:** 2002

**Court:** High Court - Delhi

**Health Topics:** Chronic and noncommunicable diseases, Health care and health services, Health systems and financing, Hospitals

**Human Rights:** Right to health, Right to life

### Facts

Shri V.K. Gupta, the Petitioner, was an employee of the Delhi High Court and was covered by the Central Government Health Scheme. He underwent an open heart surgery at Escorts Heart Institute and Research Centre Ltd. (EHIRC), which was approved by the Registrar of the Delhi High Court. Full reimbursement was denied to the Petitioner on the grounds that the money approved under the package had been fully paid as mentioned in the office memorandum of 18.9.1996 (office memorandum).

The Petitioner filed the petition in the Delhi High Court under Article 226 of the Constitution (original writ jurisdiction of High Courts) praying to the Court to direct the Respondent to reimburse, in full, medical expenses incurred by him. The Petitioner claimed that EHIRC was an approved hospital for open heart surgery therefore he was entitled to full reimbursement.

### Decision and Reasoning

As to whether the office memorandum could be relied upon by the Respondent, the Court held that the memorandum was valid only for two years from the date of issue and was subject to revision. The Court further held that because the office memorandum was not revised on time, its application could not to be extended beyond two years.

Regarding the obligation of the state to provide health care, the Court held that the government was under a constitution mandate to improve public health. It therefore held that it was "the duty of the State to bear the expenditure incurred by the Government servant." The Court, therefore, held that the Petitioner was entitled to full reimbursement of expenses incurred at EHIRC.

### Decision Excerpts

"[T]he right to health is integral to right of 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." Para. 8.