

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1.CWP-16778-2024

SWATI YADAV

VERSUS

STATE OF HARYANA AND OTHERS

....PETITIONER(S)

....RESPONDENT(S)

2.CWP-16910-2025

NEKI RAM

VERSUS

STATE OF HARYANA AND OTHERS

....PETITIONER(S)

....RESPONDENT(S)

3.CWP-17505-2022

PREM CHANDER BICHHAL

VERSUS

STATE OF HARYANA AND OTHERS

....PETITIONER(S)

....RESPONDENT(S)

4.CWP-2581-2025

KAMLESH YADAV

VERSUS

STATE OF HARYANA AND OTHERS

....PETITIONER(S)

....RESPONDENT(S)

5.CWP-2962-2024

MAAN SINGH SANGWAN

VERSUS

STATE OF HARYANA AND OTHERS

....PETITIONER(S)

....RESPONDENT(S)

CWP-16778-2024 and connected cases

2

6.CWP-39452-2025

ARJUN DASS

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

7.CWP-4485-2022

RAMESH KUMAR

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

8.CWP-6039-2025

MANGLESH SHARMA

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

9.CWP-6438-2026

MOTI RAM

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

10.CWP-7575-2022

JAYOTI PARSHAD SHARMA

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

11.CWP-7966-2025

NARENDER SINGH

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

CWP-16778-2024 and connected cases

3

12.CWP-8127-2026

AJEETA

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

**Present:** Mr. Sunil K. Nehra, Sr. Advocate with  
Mr. Viren Nehra, Advocate  
for the petitioner in CWP-39452-2025

Ms. Poorvi Sharma, Advocate for  
Mr. Manish Soni, Advocate  
for the petitioner in CWP-16778-2024  
Mr. Rishi Pal Chaudhary, Advocate  
for the petitioner in CWP-16910-2025

Mr. Chaman Deep, Advocate for  
Mr. Ivneet Singh Pabla, Advocate  
for the petitioner in CWP-17505-2022

Mr. PR Yadav, Advocate  
for the petitioner in CWP-2581-2025

Mr. Vikas Singh Chawra, Advocate,  
Mr. Parvinder Moar, Advocate,  
Mr. Tejas Ahlawat, Advocate  
for the petitioner in CWP-2962-2024

Mr. PK Chugh, Advocate for the petitioner  
in CWP-4485-2022

Mr. Suryaveer Singh Surjewala, Advocate  
for the petitioner in CWP-6039-2025  
(through hybrid mode)

Mr. Diwan S. Adlkaha, Advocate  
for the petitioner in CWP-6438-2026\*  
Mr. Saurav Verma, Advocate and  
Mr. Anshul Pareek, Advocate  
for the petitioner in CWP-7575-2022

Mr. Deepak Sonak, Advocate and  
Ms. Riya Kangra, Advocate  
for the petitioner in CWP-8127-2026  
Mr. Sandeep Thakan, Advocate  
for the petitioner in CWP-7966-2025

|    |                                                                                                      |                |
|----|------------------------------------------------------------------------------------------------------|----------------|
| 1. | The date when the judgment is reserved                                                               | 25.05.2026     |
| 2. | The date when the judgment is pronounced                                                             | 29.05.2026     |
| 3. | The date when the judgment is uploaded                                                               | 29.05.2026     |
| 4. | Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced | Full           |
| 5. | The delay, if any of the pronouncement of full judgment and reason thereof.                          | Not applicable |

**SANDEEP MOUDGIL, J**

***“A healthy citizen makes a strong nation.”***

1. The present bunch of writ petitions, arising out of a common matrix of facts and raising overlapping questions of law are being disposed of by this common order. The principal issues that arise for consideration in the present batch may broadly be summarised thus:-

- i) Whether reimbursement can be denied altogether, or reduced to a negligible amount, in cases where emergency treatment was availed from non-empanelled private hospitals merely on the ground that such hospitals did not form part of the approved panel under the prevailing policy;
- ii) Whether, despite the policy itself contemplating reimbursement at PGI rates plus an additional 75% in certain situations, the respondents could lawfully restrict reimbursement only to PGI rates, thereby defeating the very tenor and object of the policy;
- iii) Whether the stipulation disentitling reimbursement and medical benefits where dependants have a monthly income exceeding Rs.3500/- is manifestly arbitrary, unrealistic and wholly

disconnected from present economic realities and inflationary trends; and

iv) Whether the package rates and treatment modules incorporated in the existing policy framework have become obsolete and inadequate in the face of changing times, escalating healthcare costs and rapid advancements in medical science and specialised treatment procedures.

2. At the very threshold, this Court deems it apposite to observe that the right to health and medical care is firmly recognised as an integral facet of the right to life guaranteed under Article 21 of the Constitution of India as recognised by the Apex Court in “*State of Punjab v. Mohinder Singh Chawla* 1997 (1) SCT 716”, observing that the State is constitutionally obligated to bear medical expenses of its employees, the right to health being integral to life itself.

3. It is worth noticing that “*public health and hospitals*” being a State subject in the State List (Entry 6, List II) under VII Schedule of the Constitution, the State bears the paramount obligation of safeguarding the health and well-being of its citizens and more particularly those who have spent the prime years of their lives serving the State machinery itself, as a welfare entity governed by constitutional morality.

4. The policies relating to medical reimbursement are instruments fashioned to operationalise the constitutional promise of dignity and social security. The object of such policies is not simply to reimburse expenditure, but to assure the employee that illness shall not reduce him to financial ruin, helplessness or indignity. In matters concerning health and survival, the approach of the State must be informed not by arid technicalities, but by constitutional compassion.

5. The reimbursement structure adopted by the State, pegged substantially to PGI rates, appears to proceed on the assumption that employees and pensioners would ordinarily avail treatment from premier government institutions such as PGI and other State-run hospitals. There can be no quarrel with the proposition that such institutions are centres of excellence and provide world-class healthcare facilities. Yet, constitutional adjudication cannot proceed divorced from lived realities. Accessibility to these institutions, both physical and practical, remains a serious impediment for a vast section of employees, particularly in moments of medical emergency. Long waiting periods, overcrowding, paucity of beds and the pressing urgency accompanying critical illness often compel patients and their attendants to seek immediate treatment at the nearest available medical facility, irrespective of its empanelment status. In such circumstances, to reject reimbursement solely on the ground of non-empanelment would amount to placing policy procedure above human survival.

6. The Supreme Court in ***“Shiv Kant Jha versus Union of India”*, (2018) 16 SCC 187**, while dealing with claims for medical reimbursement, held in unequivocal terms that the right to medical claim cannot be denied merely because the treatment was taken in a non-recognised hospital, especially where the treatment was emergent and bona fide. The Court observed that the State cannot adopt a wooden or hyper-technical approach in matters concerning healthcare and survival.

7. This high Court as well, in ***“Rama Kant Sharma versus State of Haryana and others”*, CWP-257-2019**, as also in ***“Hukam Singh versus State of Haryana and others”*, CWP-28175-2023** decided on 05.05.2026, reiterated that reimbursement policies must receive a purposive and liberal interpretation

consistent with the constitutional mandate flowing from Article 21, and that genuine medical claims ought not to be defeated by procedural rigidity or outdated policy formulations.

8. At this stage, learned State counsel, Mr. Deepak Balyan and Mr. R.D. Sharma, on instructions from Dr. Anjali Arora, Deputy Director, present in court, submits that the Government has agreed to examine the grievances and claims raised for the matters of the present nature. It has further been stated, upon instructions, that the various clauses and stipulations forming part of the existing medical reimbursement policy, including those assailed in the present batch of petitions, are presently under active reconsideration and revisitation by the Government so as to align the policy framework with contemporary medical realities and to ensure that the object underlying the policy, namely social security and healthcare protection to State employees and pensioners, is meaningfully achieved.

9. In view of the aforesaid statement made on behalf of the respondents, which is taken on record, this Court is of the considered opinion that no useful purpose would be served by keeping the present petitions pending.

10. It is the opinion of this Court that the most equitable way forward is to breathe practical life into statutory policies by viewing them through the timeless prism of our ancient foundational values. Medical reimbursement policies ought to be interpreted in a manner that advances the cause of human welfare rather than defeats it through technicalities. The constitutional promise of a welfare State draws strength from the enduring civilisational ethos of this country, encapsulated in the ancient Sanskrit principle of “सर्वे भवन्तु सुखिनः; सर्वे सन्तु निरामयाः”—*may all be happy; may all be free from illness*. The

principle underlying this timeless invocation is that the well-being of society is inseparable from the health and dignity of its people, and it embodies a foundational principle of governance. The State must ensure that policies serve the cause of justice rather than obstruct it, as beneficial schemes must advance their remedial purpose. Medical reimbursement, being an instrument of social welfare, should therefore receive a humane and purposive construction, consistent with the constitutional vision of a just and caring society.

11. Consequently, all the present writ petitions are disposed of with a direction to the respondents to examine the individual claims of each petitioner independently and sympathetically, keeping in view the principles laid down by the Supreme Court in *Shiv Kant Jha's case (supra)* and *State of Madhya Pradesh vs M.P. Ojha 1998 (2) SCC 554*, and by this Court in *Rama Kant Sharma's case*, *Hukam Singh's case (supra)* and in the case of *Manoj Kumar Vs. State of Haryana and others, CWP-4892-2016*.

12. Learned State Counsel, on instructions of the above stated official, informed this Court that the State has constituted a committee under the chairmanship of Addl. Director Health Services with the Deputy Director of the Medical Reimbursement Branch and the Nodal Officer (Empanelled Hospitals) as members thereof.

13. Accordingly, this Court directs the Committee so constituted to examine the cases of the petitioners individually and a conscious, well-reasoned decision shall be taken in each matter within a period of four weeks from the date of receipt of a certified copy of this order.

14. It is further directed that in cases where any amount is found payable to the petitioners, the same shall carry interest at the rate of 6% per

annum from the date the amount became due till the date of its actual realisation.

15. The present bunch of petitions is disposed of in the above terms.

16. Pending miscellaneous applications, if any, shall also stand disposed of.

(SANDEEP MOUDGIL)  
JUDGE

29.05.2026  
NainaRajput

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