

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 21562 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE AKIL KURESHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder?
 - 5 Whether it is to be circulated to the civil judge?
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SRICHAND CHELARAM TALREJA - Petitioner(s)

Versus

MUNICIPAL COMMISSIONER AHMEDABAD MUNICIPAL CORPN. & 1 - Respondent(s)

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Appearance :

MR ARVIND K THAKUR for the Petitioner

MR SATYAM Y CHHAYA for Respondent No.1

MR DG SHUKLA for NANAVATI & NANAVATI for Respondent No.2

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 28/02/2006

ORAL JUDGMENT

1. Rule. Mr. Chhaya, learned Advocate waives service of Rule on behalf of respondent No.1. Mr. D.G.Shukla,

learned Advocate for Nanavati and Nanavati waives service of Rule on behalf of Respondent No.2. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The case of the petitioner is that he suffers from cardiac heart ailment. Initially, he had to undergo heart surgery in the year 1994 at Appollo Hospital, Madras. Thereafter, he was taking follow-up treatment at V.S.Hospital, Ahmedabad. On 08.03.2003 as per the say of the petitioner, he along with his wife had gone to attend the function at their relatives' place at Thaltej, Ahmedabad. He stayed there at night. Next morning i.e. on 09.03.2003, an emergency developed and the petitioner had serious chest pain. He was, therefore, rushed to SAL Hospital, which was nearest available hospital for heart care. He had to undergo emergency angiography and PTCA treatment at the said hospital.

3. The petitioner who is retired employee of Municipal School Board and is aged about 67 years, upon completion of the treatment presented medical bills for the expenditure incurred by him for the said treatment. The

claim for medical reimbursement was not accepted by the respondents. It is the case of the respondents that as per the then prevailing policy, the petitioner could not have taken the said treatment at a private hospital when such treatment was available in government hospitals.

4. Be that as it may, there is no serious dispute about the fact that the petitioner had to undergo the said treatment on 09.03.2003. Mr. Chhaya, learned Advocate in fact, candidly stated before the Court that the petitioner has been thereafter taking follow-up treatment at V.S.Hospital. This would atleast establish that the petitioner had undertaken the treatment as contended by him on 09.03.2003. The case of the petitioner is , that he was forced to take treatment at SAL hospital as there was medical emergency and SAL hospital was nearest available hospital equipped with all facilities to treat such aliment.

5. When the petitioner made out a case of the medical emergency and there is no dispute about the fact that the petitioner actually have undergone the treatment as contended, I find that it is a fit case, whereby the respondents should consider granting medical

reimbursement to the petitioner as a special case, if powers are so available. Atleast for the amount up to which rules and regulations would otherwise permit such reimbursement, the case of the petitioner is recommended for sympathetic and special consideration.

6. For the above purpose, the respondents shall treat the present petition as representation of the petitioner and take decision expeditiously and preferably within a period of four weeks from the date of receipt of copy of this order. With these directions, the petition is disposed of. Rule is made absolute to the aforesaid limited extent. Direct service permitted.

[Akil Kureshi, J.]

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