

D. B. CIVIL WRIT PETITION No. 3316/2006

Kailash Chand Sharma  
Vs.  
The State of Rajasthan & Ors.

Date of Order :: 31-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S. N. JHA  
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rajendra Soni with  
Shri Manoj Awasthi for the petitioner.  
Shri H. V. Nandwana Dy. GA for the State.

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The dispute in this appeal relates to reimbursement of medical bill. The appellant got himself treated for heart ailments and the angiography was done in the Escorts Hospital. According to him, the Rota Ablation facility was not available in the SMS Hospital for which he had to go to Escorts Hospital, New Delhi and get treatment there.

The State has filed reply stating that the appellant has been paid at the rates applicable for treatment in the SMS Hospital, Jaipur. This Court in a number of cases following the decisions of the Supreme Court, has held that where the official under medical advice receives treatment in private hospital, he is entitled to reimbursement of the bills at the rates applicable for similar treatment in the All India Institute of Medical Sciences (AIIMS).

Rule 7(1) of the Rajasthan Civil Services (Medical Attendance) Rules, 1970 provides that a government servant and member(s) of his family suffering from a disease for which treatment is not available in the State shall be entitled to medical attendance and treatment to the extent indicated in sub-rule (2) in the hospital/institution outside the State recognized by the government. AIIMS is one of the institutions recognized for the purpose vide appendix 11 of the rules.

We accordingly direct the respondents to pay the difference of amount calculated at the AIIMS rates. The payment should be made within six weeks of receipt of a copy of this order.

The petition stands disposed of.

[MOHAMMAD RAFIQ], J.

[S. N. JHA], CJ.

Skant/-