

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:3129
ANSWERED ON:13.12.2006
REIMBURSEMENT OF MEDICAL EXPENSES
Prasad Shri Hari Kewal;Yadav Shri M. Anjan Kumar

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) Whether Supreme Court has issued any directions for making full reimbursement of medical expenses incurred by a Government servant upon self and members of family ;
- (b) If so, the details thereof;
- (c) Whether the Government has not complied with the said directions so far; and
- (d) If so, the steps taken in this regard ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a)to(d) : The Hon'ble Supreme Court of India dismissed the Special Leave Petition (SLP) No: 5381/05 filed by the Union of India against the order dated the 7th November, 2003, of the High Court of Delhi at New Delhi, in LPA 898/02 filed by the Union of India Vs T. S. Oberoi, Escorts Heart Institute & Research Centre; and Smt Raj Chawla on account of delay in the filing of the SLP and not by way of settling any law point. The High Court had by its order dated the 7th November, 2003. directed the Central Government to immediately process and reimburse all medical expenses incurred on the treatment of late Justice Maharaj Krishan Chawla for the period of his hospitalisation. With dismissal of the SLP, the order of the High Court for reimbursement of medical expenses incurred on late Justice Chawla was implemented.

The Hon'ble Supreme Court of India, however, in its judgement dated 26th February, 1998, in Civil Appeals Nos: 1111 – 1115 of 1998 [(1998) 4 Supreme Court Cases 117] in State of Punjab & Others Vs Ram Lubhaya Bagga & Others held as under:

No State or country can have unlimited resources to spend on any of its projects. That is why it only approves its projects to the extent it is feasible. The same holds good for providing medical facilities to its citizens including its employees. Provision of facilities cannot be unlimited. It has to be to the extent finances permit. If no scale or rate is fixed then in case private clinics or hospitals increase their rate to exorbitant scales, the State would be bound to reimburse the same. The principle of fixation of rate and scale under the new policy is justified and cannot be held to be violative of Article 21 or Article 47 of the Constitution