



NC: 2024:KHC:39664
WP No. 17956 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 17956 OF 2024 (GM-RES)

BETWEEN:

SRI NAGABHUSHANA B
S/O SRI BHOOCHANDRAPPA,
AGED ABOUT 47 YEARS,
ASSISTANT COURT OFFICER,
HIGH COURT OF KARNATAKA
BENGALURU-560001.

...PETITIONER

(BY SRI. SHRIDHAR PRABHU., ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
TO HEALTH AND FAMILY
WELFARE DEPARTMENT,
VIKASA SOUDHA, BENGALURU-560001.
3. THE EXECUTIVE DIRECTOR
SUVARNA AROGYA SURAKSHA TRUST,
7TH FLOOR, AROGYA SOUDHA,
1ST CROSS, MAGADI ROAD,
BENGALURU-560023.

...RESPONDENTS

(BY SRI. T P VIVEKANANDA, ADVOCATE FOR R1;
SMT. NAVYA SHEKHAR, AGA FOR R2;
SRI. S H PRASHANTH, ADVOCATE FOR R3)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD. 23.01.2023 IN NO.AKUKA/S.A.S.TM.R.C/25553/2022-23 ISSUED BY THE EXECUTIVE DIRECTOR, SUVARNA AROGYA SURAKSHA TRUST, 7TH FLOOR, AROGYA SOUDHA, 1ST CROSS, MAGADI ROAD, BENGALURU 560023 A COPY OF WHICH IS PRODUCED AT ANNEX-F, AND CONSEQUENTLY DIRECT THE RESPONDENTS TO REIMBURSE THE MEDICAL CLAIM OF THE PETITIONER AS PER ANNEX-B EXPEDITIOUSLY.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioner challenges the order dated 23.01.2023 issued by the 3rd respondent, which rejected the petitioner's request to quantify the admissible amount of the medical claim, citing that the claim is not covered under emergency circumstances as defined in the Government Order dated 05.11.2014.

2. The petitioner is working as an Assistant Court Officer in this Court and sought treatment for CTD with ILD and pulmonary hypertension at Mazumdar Shaw Medical Centre. Initially, he was admitted to the Sri Jayadeva Institute of Cardiovascular Sciences & Research, located at the K.C. General Hospital premises in Malleshwaram, Bengaluru.

3. The petitioner submitted a medical claim application for reimbursement in the amount of Rs.2,63,764/- along with the



prescription, bills, and discharge summary dated 23.12.2022. He also submitted a representation to the 1st respondent, explaining the emergency circumstances that necessitated treatment at an unrecognized hospital.

4. Respondent No. 1 communicated with respondent No.3 to inquire about the admissible amount concerning the claim, clearly indicating that the sanctioning authority was satisfied with all the conditions outlined in the Government Order dated 05.11.2014. However, respondent No. 3 communicated to respondent No.1 that the claim was not covered under emergency circumstances as per the aforementioned Government Order.

5. Heard the learned counsel for the petitioner and the learned counsels for respondents No. 1 to 3.

6. The Government Order dated 05.11.2014 pertains to the reimbursement of medical claims for government servants who have received treatment at recognized hospitals. However, under exceptional circumstances, government servants are entitled to reimbursement of medical expenses incurred at non empanelled private hospitals, especially when a recognized government hospital refers the patient to a non-empanelled private hospital for any reason.

7. In this instance, the petitioner initially sought treatment at the Sri. Jayadeva Institute of Cardiovascular Sciences &



Research, which is a government hospital, and was subsequently referred to a multispecialty pulmonologist. Thereafter, the petitioner received treatment at Mazumdar Shaw Medical Centre (a unit of Narayana Hrudayalaya), which is a private and non-empanelled hospital according to the Government Order.

8. The petitioner is entitled to reimbursement of medical expenses under Clause 5 of Paragraph 3 of the Government Order dated 05.11.2014, which allows government servants to seek reimbursement of medical expenses at CGHS rates, even if the treatment was provided at a private hospital, provided that a recognized government hospital referred the patient to a specialist.

9. In light of the foregoing, I pass the following:

ORDER

i) The writ petition is allowed.

ii) The impugned order dated 23.01.2023 issued by respondent No. 3, at Annexure-F, is hereby quashed.

iii) Respondent No. 3 is directed to consider the petitioner's claim for reimbursement of medical expenses at CGHS rates, subject to the petitioner providing a complete set of documents, and to pass an appropriate order in accordance with the law.



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iv) The said exercise shall be concluded within a period of two months from the date the documents are submitted by the petitioner.

**Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE**

HR