

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1414 OF 1999@@
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Mrs. Ramanjit Kaur .. Appellant

Vs.

The State of Punjab .. Respondent

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.....L.....I.....J
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The appellant's husband was an employee of the State of Punjab. He having sustained gun shot injuries was admitted in the Guru Nanak Dev Government Medical College and Hospital at Amritsar. After initial treatment he was discharged with a slip to the following effect.

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"He needed ventilation support and ventilation support and neurosurgical expertise. Since the only ventilator available in the I.C.U. of G.N.D.H. was occupied and there is no neurosurgeon relatives were advised to shift the patient to the nearest available facility."

.....L.....I.....J
.SP2

There is a circular issued by the Government of Punjab to the effect that if facility for treatment is not available in the Government hospital, the same could be obtained in a Private hospital and the expenses incurred thereto would be reimbursed.

Husband of the appellant died in spite of the treatment in a private hospital. Out of the bill raised by the appellant to the extent of Rs.63,457/-,

Rs.36,076/- was paid to her on the All India Institute of Medical Sciences rates. Thereafter, the appellant preferred a Writ petition making a claim to the full extent before the High Court relying upon the circular adverted to by us. The High Court dismissed the Writ petition in limine.Hence this appeal by special leave.

It is clear that when facility for treatment was not available in the Guru Nanak Dev Government Medical College and Hospital at Amritsar, which is a Government hospital, the appellant went to a private hospital for her husband's treatment. That fact is not in dispute.

In the circumstances, the High Court ought to have allowed the Writ petition and should not have dismissed

