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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 376/2025, CM APPL. 1800/2025 & CM APPL.
1801/2025
INDIAN COUNCIL FOR AGRICULTURAL
RESEARCHPetitioner

Through: Mr. Sanjay Kumar Ghosh, Adv.

versus

PRAMOD NISCHALRespondent
Through: Mr. Asish Nischal, Mr. Arun
Nischal and Mr. S. K. Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **20.01.2025**

C.HARI SHANKAR, J.

1. The respondent's mother Shakuntla Sekhri was a Central Government Health Scheme¹ beneficiary, whose husband was employed in the Indian Council for Agricultural Research². He died in harness. Shakuntla Sekhri was in receipt of family pension from ICAR as the widow of her deceased husband.

2. Ms. Shakuntla Sekhri suffered a fracture on her left hip on 1 October 2021. She was taken to Saroj Hospital, Rohini, Delhi, which is admittedly an empanelled CGHS Hospital. She was admitted in

¹ CGHS

² ICAR



emergency condition and, on the very next day on 2 October 2021, she was operated for total left Hip Replacement. She was discharged on 5 October 2021.

3. The respondent sought reimbursement of the medical expenses incurred in the replacement surgery undergone by his mother.

4. The petitioner granted reimbursement but only at the CGHS rates.

5. The respondent accordingly approached the Central Administrative Tribunal³ by way of OA 3606/2022, which stands allowed by the Tribunal *vide* the impugned judgment dated 27 August 2024. The Tribunal has held the respondent to be entitled to reimbursement of the actual expenses incurred in the treatment and surgery of his mother Shakuntla Sekhri.

6. Aggrieved thereby, the petitioner is before this Court.

7. We have dealt with an identical situation in *Hira Lal Bhat v CMD, BSNL*⁴, which, too involved a case of Liver Transplant in which the person was admitted one day and operated on the next. We have followed earlier decisions of this Court in *UOI v Joginder Singh*⁵, *UOI v Surender Kumar Kaur*⁶, *Jasbir Singh v UOI*⁷ and

³ “the Tribunal”

⁴ 2024 SCC OnLine Del 9065

⁵ (2023) 3 LLJ 404 (Del-DB)

⁶ 2023 SCC OnLine Del 3414

⁷ 2024 SCC OnLine Del 9



*Jagir Kaur v UOI*⁸ in which, in such cases, at least three Coordinate Benches of this Court have held that the actual medical expenses incurred have to be reimbursed.

8. Hip surgery follows hip fracture. *Ex facie*, therefore, hip replacement is an emergency surgery.

9. In that view of the matter, we find no reason to interfere with the impugned judgment of the Tribunal.

10. The writ petition is accordingly dismissed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 20, 2025

SSC

[Click here to check corrigendum, if any](#)

⁸ 2024 SCC OnLine Del 4698