

**\* IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 8<sup>th</sup> January, 2010  
Date of Order: 01<sup>st</sup> February, 2010

**CONT. CAS (C) No. 659/2009**

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**01.02.2010**

**Wg. Cdr. Retd. V.K.Bhandari**

**... Petitioner**

Through: Mr. V.S.Tomar, Advocate

Versus

**Maj. Gen. A.Srivastava & Ors.**

**... Respondents**

Through: Mr. Santosh Kumar, Advocate

**JUSTICE SHIV NARAYAN DHINGRA**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

**JUDGMENT**

By this petition, the petitioner has invoked power of Contempt of this Court on the ground of violation of order dated 17<sup>th</sup> December, 2008 passed by this Court. Vide order dated 17<sup>th</sup> December, 2008 following directions were given to the respondent:

*"We, in view of the aforesaid thus, direct the respondents to examine the case of the petitioner for reimbursement on account of emergency medical treatment confined to the limit of approved rates as prevalent in India, but subject to verification of the medical documents."*

2. The case of the respondent as stated in the counter affidavit is as under:

*"6. That notwithstanding the above, the case of the petitioner was again taken up in view of orders passed by the Hon'ble Court on 11<sup>th</sup> August, 2009. The Bumrungrad International Hospital, Bangkok (Thailand), where the petitioner allegedly took treatment was contacted by the respondents through e-mail dated 9<sup>th</sup> September 2009 asking for confirmation of the treatment taken by the petitioner, payment details made by the petitioner including as to whether it was done in cash or partly through cash and partly through medical insurance cover etc. Itemized bills were also sought from the hospitals. As no information was received from the hospital, another e-mail was sent on 16<sup>th</sup> September,*

2009 requesting the hospital to expedite the reply. The hospital was also contacted telephonically on 23<sup>rd</sup> September, 2009 by the representative of the respondents through ISD calls.

7. That on 26<sup>th</sup> September, 2009 the Bumrungrad International Hospital, Bangkok (Thailand) has sent a reply through e-mail to the respondents asking for an authorization letter from the petitioner for sending the medical documents alongwith a copy of the patient's passport/ID card/driving licence. Regarding payment method, it has been stated that the concerned department has been contacted and once the information is available the hospital will revert back to the respondents.

8. That in view of the above and in the absence of proper verification the respondents are not in a position to examine the claim of the petitioner for reimbursement of medical expenses in accordance with the existing policy on the subject."

3. The position as stated by respondent is refuted by the petitioner. The contention of petitioner is that hospital through e-mail tried to transmit the requisite information to the respondent but e-mail box of the respondent was jam-packed/full. The petitioner later on came to know that requisite e-mail had not reached and he then visited Regional Office of ECHS in Delhi and handed over the relevant information received by him through e-mail to Col. Binay Kumar.

4. Considering the response given by the respondent and the fact that the respondent had not refused to consider the case of the petitioner, I find that there was no willful disobedience of the order passed by this Court. I find no force in the contempt petition. The petition is hereby dismissed.

5. However, as and when proper verification is done, the respondent shall examine the claim of the petitioner of reimbursing medical expenses in accordance with existing policy on the subject.

**February 01, 2010**  
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**SHIV NARAYAN DHINGRA, J.**