



**Government of Jammu & Kashmir**  
**State Health Agency J&K**  
**Ayushman Bharat - Pradhan Mantri Jan Arogya Yojana**  
**Registered under J&K Societies Registration Act VI (1941 A.D)**  
**(Reg. No.: D18C/7188-RS/916)**



*Swasth Bhawan, Bemina, Srinagar/Rail Head Complex, Jammu*  
Email – [abnhpmjk@gmail.com](mailto:abnhpmjk@gmail.com) Phone No. 0191-2478585, 0194-2950923

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**Subject: Consideration Order in compliance to the Hon'ble High Court judgement dated 28.02.2025 passed in WP(C) No. 422/2025 titled St. Joseph's Hospital Baramulla & Ors Vs Union Territory of Jammu and Kashmir & Anr**

**Order No:- 16-SHA of 2025**  
**Dated: 14-03-2025**

**WHEREAS**, the petitioners filed a writ petition bearing No. WP(C) No. 422/2025 titled by St. Joseph's Hospital Baramulla & Ors Vs Union Territory of Jammu and Kashmir praying for the following relief:

- a. WRIT OF MANDAMUS, directing the Official Respondents to incorporate National Health Packages mentioned in Office Memorandum dated 06.04.2022/AB-PMJAY Health Benefit Package Master 2022 in the Union Territory of Jammu & Kashmir and amend the Request for Proposal for selection of Insurance Company for implementation of Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana and Ayushman Bharat PMJAY-SEHAT in Union Territory of Jammu & Kashmir.
- b. WRIT OF MANDAMUS, directing the Official Respondents to include the surgical procedures namely (i) Appendectomy (ii) Cholecystectomy (iii) Hemorrhoidectomy (iv) Fissure in Ano, as per Office Memorandum dated 06.04.2022, in the Request for Proposal for selection of Insurance Company for implementation of AB PM-JAY and AB PM-JAY SEHAT in the Union Territory of Jammu & Kashmir through empanelled health care providers (EHCPs) which include the petitioners.
- c. Any other relief or direction which Hon'ble High Court deems fit and proper may also be granted in favour of the petitioner and against the Respondents under the facts and circumstances of the case.

**AND WHEREAS**, the petition was disposed of by the Hon'ble Court vide order dated 28-02-2025 with the following directions:

***Accordingly, the instant petition is disposed of at this threshold stage with the direction to the respondents to consider the extension of National Health Package mentioned in the Office Memorandum dated 6th April, 2022/AB PMJAY Health Benefit***



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***Package Master 2022 in the Union Territory of Jammu and Kashmir and, accordingly, consider the amendment to the request for, "proposal for selection of Insurance Company" for implementation of Ayushman Bharat Pradhan Mantri Jan Arogya Yojna and Ayushman Bharat Pradhan Mantri Jan Arogya Yojna-SEHAT in the UT of Jammu and Kashmir, so that the domiciles of the UT of J&K are in a position to equally avail the benefits of the flagship scheme at par with the other citizens of the country. The respondents are also directed to consider the inclusion of the surgical procedures, namely, (i) Appendectomy (ii) Cholecystectomy (iii) Hemorrhoidectomy (iv) Fissure in ANO, as per the Office Memorandum dated th April, 2022, in the request for proposal for selection of Insurance Company for implementation of AB-PMJAY and AB-PMJAY-SEHAT in the Union Territory of Kashmir through empanelled petitioners, as the same constitute the most common surgical procedures needed by common citizens living below poverty line who are not in a position to avail said services properly in the public hospitals.***

**WHEREAS**, Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB PM-JAY), launched on 01.12.2018, provides a health cover of Rs. 5.00 lakh per family per year for secondary and tertiary care hospitalization, covering 6.70 lakh families in Jammu & Kashmir with a funding ratio of 90:10 between the Government of India and the UT. To extend these benefits universally, the Government of Jammu and Kashmir launched AB-PMJAY-SEHAT on 26.12.2020, covering 19.02 lakh families entirely funded by the UT Government.

**AND WHEREAS**, hospitals are empanelled under the AB PM-JAY/ AB PM-JAY SEHAT scheme as per guidelines issued by the National Health Authority (NHA), ensuring cashless treatments to the eligible beneficiaries through the Health Benefit Packages (HBP). Currently, HBP 2.2 (with modifications) is implemented in J&K. While the Office Memorandum dated 06.04.2022 by National Health Authority, introduced a revised HBP, its adoption remains discretionary for the states/UTs based on feasibility and administrative considerations. The delay in implementing HBP 2022 in Jammu & Kashmir does not amount to discrimination but rather is a calibrated approach to ensure a balanced and sustainable implementation of the scheme.



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**AND WHEREAS**, National Health Authority issued an Anti-Fraud Advisory No: 17 viz. Recommendations to control abuse of cholecystectomy & appendicectomy packages. The relevant part of the advisory is reproduced below:

*In order to curb abuse of these packages, States are advised to adopt below recommended measures as feasible, for Cholecystectomy and Appendicectomy packages:*

- 1. **Public reservation:** As these are secondary care procedures and do not require specialized care these may be reserved for public hospitals and allowed in private hospitals only in case of emergencies.*
- 2. **Referrals from public:** For states where reservation is not possible (due to limited capacity of public hospitals), these procedures may be performed in private hospitals, but only with referrals from public hospitals.*
- 3. **Exclusion of Adhesiolysis package:** it was also observed that Adhesiolysis is being booked with Appendicectomy or with Cholecystectomy with an intention of upcoding. This combination has already been discontinued under HBP 2.0 and it is advised that States which have not adopted HBP 2.0 should restrict Adhesiolysis from being booked with any other package.*
- 4. **Standard Treatment Workflows:** STWs for Cholecystectomy and Appendicectomy have been developed and are attached as Annexure 1 & 2, respectively. The EHCPs should be advised to adhere to these STWs and a watch by the SAFU should be maintained on deviations.*

**AND WHEREAS**, in reference to the above-mentioned Advisory, Governing Council of State Health Agency decided to reserve 4 procedures namely Cholecystectomy, Haemorrhoidectomy, Appendicectomy and Fissure in Ano. Pertinently these 4 procedures are not being excluded from the scheme, however, these 4 secondary care procedures are being reserved for public hospitals. The same has also been done across different States.



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**AND WHEREAS**, the framing of the insurance policy and including of packages therein in the instant case is the domain of the answering respondent's department and that the respondents cannot be fasten with monetary liability it never sought or intended.

**AND WHEREAS**, the petitioners have no locus to seek drafting of the insurance scheme in a particular manner just to suit their business interests.

**Now therefore**, in view of above facts quoted above and in compliance to the directions of the Hon'ble High Court dated 28.02.2025 passed in WP(C) No. 422/2025 titled St. Joseph's Hospital Baramulla & Ors. against the Union Territory of Jammu and Kashmir & Anr., the case of the petitioner has been considered and found devoid of any merits.

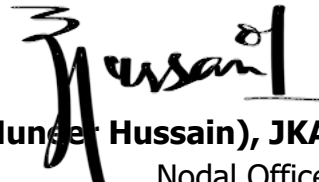
**Sd/-**  
**(Sanjiv M. Gadkar), IAS**  
**Chief Executive Officer**  
**State Health Agency, J&K**

**No: SHA/AB PM-JAY/JK/2024-25/ 9853-74**

**Dated:14/03/2025**

Copy to: -

1. Secretary to the Government, Health & Medical Education Department for information.
2. Concerned Petitioners.

  
**(Muneer Hussain), JKAS**  
Nodal Officer,  
State Health Agency, J&K