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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1190/2002

New Delhi, this the 6<sup>th</sup> day of February, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Kaptan Sharma  
s/o Late Shri Tek Chand Bhardwaj  
r/o Village Jhargarh  
PO Jaultabad, Distt. Gurgaon  
Haryana

...Applicant

(By Advocate: Shri M.K.Bhardwaj)

Versus

Govt. of National Capital Territory of Delhi  
Through

1. The Chief Secretary  
Govt. of NCT of Delhi  
5, Shammath Marg  
Old Secretariat, New Delhi
2. The Administrative Officer  
Govt. of NCT of Delhi  
Chabi Ganj,  
Kashmere Gate, Delhi-6
3. The Dy. Director General  
NCC Directorate Delhi  
Old Secretariat Building  
Civil Lines, Delhi-54

..Respondents

(By Advocate: Mrs. Sumedha Sharma)

O R D E R

Reliefs sought by the applicant, Shri Kaptan  
Sharma are as follows:-

- "a) To set aside the order/memo No.F.15 (2)  
KS/2001/AO/NCC/Admn/4368-69 dated 9/11 Jan  
2002 and direct the respondent to  
reimburse the medical claim of the  
applicant incurred by him on the medical  
treatment of his mother.
  - b) To direct the respondents to pay the  
medical claim of the applicant with  
interest from the date of submission of  
medical bills to the tune of Rs.58798/-.  
To award the costs of this application.
  - c) To pass such other and further order which  
their lordships of this Hon'ble Tribunal  
deem fit and proper in the existing facts  
and circumstances of the case."
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2. Heard Shri M.K.Bhardwaj, learned counsel for the applicant and Mrs. Sumedha Sharma, learned counsel for the respondents respectively.

3. The mother of the applicant, a subscriber to Delhi Govt. Health Scheme having suddenly developed a serious ailment in December 99 had to be rushed to Umkal Nursing Home a private hospital, which had ICCU facility, as there were no Govt. Hospital nearby. Shortly thereafter the patient was discharged as she became slightly better. The applicant's medical claim was not passed. In March 2000 she had to be hospitalised again. Medical claim filed by him did not find favour with the respondents. They also desired the applicant to file certain details which he did. As the claim was not cleared the applicant filed OA No. 3319/2001, which was disposed of by the Tribunal on 13.12.2001, directing the respondents to dispose of the representation. Respondents thereafter rejected the representation on 9/11.1.2002, leading to this OA.

4. Grounds raised in the OA are that:

- i) the applicant was a Govt. Servant and the mother was dependent on him;
- ii) on account of the delay of the respondents in sanctioning the medical claim he had to raise loans at a heavy interest;
- iii) all the objections raised have been cleared;
- iv) the applicant was entitled for reimbursement under CS(MA) Rules, 1944;
- v) though all the queries raised have been satisfactorily answered the claim not been passed;
- vi) reasons for rejection of the claim have been different and contradicting;
- vii) the rejection order has been illegal and arbitrary.

(10)

In the above circumstances the applicant prays that the OA be allowed with full relief to him, urges Sh. Arun Bhardwaj.

5. In the reply filed on behalf of the respondents through Smt. Sumedha Sharma, it is pointed out that on 15.1.2001, the applicant had filed a medical claim for Rs. 27,515/- towards reimbursement of medical expenses of his mother's treatment in Umkal Hospital and MP Heart Research Institute, Gurgaon. The same was rejected on 14.3.2001, stating that the individual concerned was chronic patient of diabetes and the applicant was negligent in the treatment of his mother. On 23.4.2001 another claim for Rs. 31,283/- was filed towards treatment in the same hospital. On being asked the applicant stated that he had taken the patient out, earlier on account of the heavy expenditure he had incurred and requested that the amount be sanctioned. After consulting the Directorate of Health Services, NCT, Delhi, the claim was finally rejected on 7.6.2001 holding that as the treatment was taken in Gurgaon, outside Delhi, reimbursement cannot be granted. The matter was once again referred to DHS, GNCT, when the latter reiterated its opinion. This was in accordance with law and it cannot be questioned.

6. I have carefully considered the matter. The claim relates to reimbursement of medical expenses for the applicant's mother and the same has been rejected on different grounds - first that he was negligent in respect of his mother's treatment and second the treatment having been taken outside Delhi, reimbursement was not possible. It is not disputed that the applicant was a subscriber to

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Delhi Health Services Scheme, and that the patient in this case - the mother of the applicant - was dependent on him. It is also on record that the applicant was forced to have his mother admitted in Umkal Hospital a private set up, only as it was an emergency which could not have waited. The expenditure incurred towards the first spell of treatment was justified and the applicant could not have been rejected. The fact that the treatment was taken outside Delhi, would not come in the way of the treatment. However, as the applicant was aware of the serious condition of the mother, he should have taken steps to bring her to Delhi, where he was the member of the DHS, which he had failed to do. The excuse/explanation he had in respect of the treatment in December 1999 taken in Umkal, did not exist in the second case. Therefore while he is entitled for the full reimbursement in respect of the first treatment, undertaken in December 99, he cannot get it in respect of the second spell of treatment.

7. In the result the OA succeeds partially and is accordingly disposed of. The respondents are directed to process and sanction the medical claim for Rs. 27,515/- filed by him on 15.1.2001, towards treatment taken by his mother in December 99, Department's action in rejecting the claim for reimbursement of Rs. 31,283/- filed on 23.4.2001 is upheld. No costs.

(Govindan S. Tampi)  
Member (A)

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