

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.620/2019**

**Date of Decision: 20.02.2020.**

***CORAM: R. VIJAYKUMAR, MEMBER (A)***

Dr. Aurobindo Roy  
 Aged about 75 years  
 R/at Flat No.B 506,  
 Kumar Pinacine, Mohan Nagar  
 Baner, Pune 411 045. ... *Applicant*  
 (Retired on 30.04.2005 from the  
 office of Respondent No.3.  
*(By Advocate Shri Gaurav Dubey, proxy  
 counsel for Advocate Shri P.J. Prasadrao)*

**VERSUS**

1. Union of India,  
 Through the Secretary,  
 Ministry of Health and Family  
 Welfare, Shastri Bhawan,  
 New Delhi – 110 001.
2. The Director General,  
 Indian Council of Medical Research,  
 V. Ramalinga Swami Bhawan,  
 P.B. No.4911, Ansari Nagar,  
 New Delhi 110 029.
3. The Director,  
 National Institute of Virology,  
 20 A, Dr. Ambedkar Road,  
 Post Box No.11, Pune 411 001. ... *Respondents*  
*(By Advocate Shri V.B. Joshi – R-1  
 Advocate Shri A.V. Shinde - R-2 & 3)*

**ORDER** (Oral)  
*Per : R. Vijaykumar, Member (A)*

This Original Application has been  
 filed on 19.08.2019 under Section 19 of the  
 Administrative Tribunals Act, 1985 seeking

the following reliefs:

"8(a) To allow this Application.

(b) This Hon'ble Tribunal be pleased to quash and set aside the order dated 15.02.2019 (Annex. A-2).

(c) This Hon'ble Tribunal be pleased to direct the respondents to reimburse to the applicant a sum of Rs.85380/- disallowed by the respondents as the applicant has incurred the expenditure by paying to the AIMS, Pune.

(d) This Hon'ble Tribunal be pleased to grant such other and further reliefs as expedient in the interest of justice.

(e) The cost of the application may be awarded in favour of the applicant."

2. Learned counsel for the applicant submits that the applicant was admitted in AIMS Hospital, Pune which is not empanelled under CGHS, for treating Sarciodiosis on emergency basis on 20.01.2017 and then, on completion of the course of treatment at the Hospital, he submitted a Medical Reimbursement Claim (MRC) for Rs.2,79,733/- on 06.03.2017 which was partially honoured to the amount of Rs.1,94,353/- and paid on 24.04.2017 accepting the factum of his emergency certificate as produced by him. The Applicant has claimed the balance of his MRC which had been disallowed by the

Respondent Nos.2 & 3. The Applicant relies on the orders of the Hon'ble Apex Court in *Shiva Kant Jha Vs. Union of India in Writ Petition (Civil) No.694/2015* which directs the formation of a Committee for grievance redressal in regard to MRC filed by pensioners.

3. Learned counsel for the applicant who is represented today by a proxy counsel urges that the genuine claim of the pensioner should have been honoured for which he had submitted necessary bills and certificates and other medical records but this has not been done.

4. Learned counsel for Respondent No.1 states that they became aware of this issue only after receipt of the OA and although he has not filed a reply, he has received instructions from Respondent No.1 to the effect that they have directed Respondent Nos.2 & 3 to take appropriate action in the matter. Shri Shinde, learned counsel for Respondent Nos.2 & 3 urges that they have correctly processed the claim of the applicant and they have paid him as per his

entitlement. They submit that the decision of the Hon'ble Apex Court in *Shiva Kant Jha (supra)* has been passed in personam and, therefore, the benefits accorded in that case cannot be translated to the applicant.

5. The Applicant has also referred to the impugned reply of the respondents dated 31.01.2020 in which a letter dated 08.03.2019 enclosing a table is presented with his claim amount against individual items of claim and the amount treated as inadmissible and in terms of their view that the *Shiva Kant Jha (supra)* was decided in personam, the benefits of full payment are not available to the applicant since the said Hospital has charged rates higher than the rates admissible under the CGHS system.

6. We have heard the learned counsel for the Applicant and the learned counsel for the Respondents and have carefully perused the pleadings available on record.

7. A plain reading of the decision of the Hon'ble Apex Court in *Shiva Kant Jha (supra)* shows that the Hon'ble Apex court in para 15 was of the considered opinion that the CGHS

is responsible for taking care of health care needs and well being of the Central Government employees and pensioners and they expressed their anxiety on the slow and tardy pace of disposal of MRC by the CGHS and thereafter, directed creation of a High Power Committee which should meet every month and look into such cases for quick disposal. The orders are plainly in rem and create an institution within the CGHS system to ensure the proper technical and informed review of complex claims and for their disposal keeping in view the public interest in terms of correct levels of admissibility and inadmissibility. In the present case, it is the admitted case that the matter has not been referred to such a Committee and if that had been done, a decision would have emerged much earlier.

8. In these facts and circumstances, wherein the applicant's full MRC details and records are available with Respondent Nos.2 & 3, the Respondent Nos.2 & 3 are, accordingly directed to forward the available claims and records with them to

the Respondent No.1 within a week of receipt of a certified copy of this order and Respondent No.1 is further directed to refer this claim to the said High Power Committee and obtain a decision within six weeks thereafter and communicate such decision to the applicant as well as through Respondent Nos.2 & 3 within one week thereafter and the Respondent Nos.2 & 3 shall intimate the decision and effect necessary additional payments as directed within two weeks of receipt of such intimation from Respondent No.1.

9. In the aforesaid terms, the OA is disposed of. However, no order as to costs.

*(R. Vijaykumar)*  
*Member (A)*

dm.

*SD  
25/01/2020*