

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1602/2001

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This the 23rd day of October, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. S.D.Ansari
S/o Bechan Ansari
Technical Assistant
R/o 255, Krishi Kunj
New Delhi - 110 012.

(By Advocate: Sh. Anil Singhal)

Versus

1. Union of India
through the Secretary
Ministry of Agriculture
Krishi Bhawan, New Delhi.
2. Indian Council of Agricultural Research
through the Secretary
Krishi Bhawan, New Delhi.
3. Indian Agricultural Research Institute
through the Director
Pusa, New Delhi - 110 012.

...Respondents

(By Advocate: Sh. Pawan Upadhyay proxy for
Ms. Sharmila Upadhyay)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA claiming reimbursement of the medical treatment which he has taken from Jeevan Nursing Hospital.

2. The facts as alleged in the OA are that the applicant is the employee of the respondents. On 15.4.2000 the applicant's wife all of a sudden starting bleeding from the mouth. Applicant took her to Emergency Section in RML Hospital. Some tests were conducted by the Hospital but even after 24 hours patient was not admitted due to ongoing strike. As a result applicant was constrained to get his wife treated from a private hospital, i.e., Jeevan Nursing Hospital whereby the applicant has incurred a sum of Rs.19,502/- on the treatment

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of his wife of which he has sought reimbursement. Claim of the applicant was considered by the department and department vide their letter 29.12.2000 recommended that since the applicant has incurred a sum of Rs.19,502/- but as per CGHS OM dated 18.9.96 applicant is entitled to Rs.10,679/-. So the case for reimbursement to the tune of Rs.10,679/- was recommended to the Head Office. However, Head Office turned down the claim of the applicant solely on the plea that in their opinion no emergency was established in this case. This order of Head Office is being challenged by the applicant in this OA.

3. In the grounds to assail the impugned order, applicant has taken a plea that the reasoning given by the Head Office, that there was no emergency, is not correct and it is manifest from the record itself. Since the applicant's wife could not be admitted in the RML Hospital and the fact that the treatment required blood transfusion and she was vomitting blood so case of emergency was infact there but authorities rejected the claim that this is not a case of emergency without applying their mind. it is also pleaded that they are not medical experts to decide on their own, whether there was an emergency in a given case or not.

4. In the counter affidavit, respondents pleaded that as per the rules prescribed for the Govt. employees, the applicant could incur expenses for treatment for himself or his spouse or his dependent children, the same can be reimbursed provided treatment has been taken in any of the hospital mentioned in CGHS approved Hospital list. In case of emergency, treatment can be taken in a private Hosptial or Nursing Home. It is the



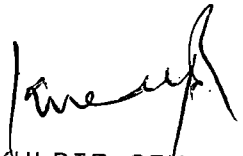
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sole discretion of the ICAR Head Quarter to decide as to whether it is a fit case of emergency for the purpose of reimbursement or not.

5. I have heard the learned counsel for the parties and gone through the record. On perusal of the document and the fact that the applicant had taken his wife first to RML Hospital, even the documents of the RML Hospital shows that it was a case of Haemetamesin for 2 days and the fact that she was not admitted to the hospital because of the strike going on in the hospital. It goes to show that it was infact a case of emergency and that is why he has taken his wife to private hospital.

6. In my considered opinion the decision taken by the administrative authority that it is not a case of emergency is not proper decision and has been taken without any cogent reason for arriving at such a decision. Thus, I find that impugned order cannot be sustained and the same is liable to be quashed.

7. Accordingly, I quash the impugned order. However, the applicant is entitle to reimbursement only as per CGHS Rules. I further direct the respondents to make payment within period of two months as per rules.


(KULDIP SINGH)
Member (J)

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