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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2888/2001

NEW DELHI THIS 11TH DAY OF SEPTEMBER 2002

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Girdhar Gopal Garg,
Executive Engineer (Retired)
2323, Sector-16
Faridabad.

...Applicants

(None present)

VERSUS

1. Union of India
through its Secretary
Ministry of Urban Affairs
& Poverty Alleviation, GOI
Nirman Bhawan, New Delhi.
2. The Director General of Works
Central Public Works Deptt.
Nirman Bhawan, New Delhi.
3. The Chief Engineer (ODZ)
Central Public Works Department
Sewa Bhawan, R.K.Puram
New Delhi - 110 066.

...Respondents

(By Sh. K C D Gangwani, Sr. Counsel)

O R D E R (ORAL)

By Sh. Govindan S.Tampl.

In this OA, the applicants seeks sanction of Rs. 3,34,836/- towards the treatment of his wife in Appolo Hospital between 18-9-99 and 3-10-99 and payment of Rs. 1,74,836/- to be made directly to the hospital. The applicant seeks also payment of interest @ 24 % on the delayed payment.

2. Heard Sh.K.C.D.Gangwani, Id. counsel for the respondents. Sh. Sohan Lal, Id. counsel for the applicant, though was present on earlier occasion, was not present today. He, however, made his appearance after the order was passed.

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3. The applicant, a retired Executive Engineer of CPWD had obtained a advance payment of Rs. 1,35,000/- for the treatment of his wife for cancer in Apollo Hospital, where she was admitted on 6-9-99. Inspite of the best possible attention and treatment. she passed away on 3-10-99. As against the net bill of Rs. 3,34,836/- the applicant paid Rs. 1,60,000/- (Rs. 1,35,000/- from Govt. advance and the rest from his own resources) living a balance of Rs. 1,74,836/- unpaid. Only on furnishing a promissory note for the above amount to the hospital, his wife's body was released by the hospital authorities. Thereafter the applicant filed his claim for reimbursement of medical expenses but the same remained in process for long. The advanced amount of Rs. 1.35,000/- was adjusted against his leave encashment. The applicant's representation for the full reimbursement of Rs. 3,34,836/- remained under examination for long and the applicant has not been able to effect the payment. His request therefore is that the amount of Rs. 1.74,836/- be paid to Apollo Hospital. its be the admissible amount. Hence this OA.

4. Grounds raised in the OA are the eligibility of the applicant to get the medical reimbursement. towards the treatment of his wife, the competence of the Head of the Department to pass the concerned medical bill, the essential nature of treatment undertaken in the Appolo Hospital and the correctness of the bills themselves. The applicant was correctly entitled for reimbursement of the above expenses. However. the same has not been granted as yet. It is pointed out that the applicant has made

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considerable efforts by moving the competent authority but to no avail so far. He, therefore, seeks sanction of Rs. 1.74,836/- so that he could discharged his responsibility towards the Hospital, who had treated his wife. The above was duly reiterated by Sh. Sohan Lal, Id. counsel for the applicant during the hearing on few previous dates. OA, therefore, should succeed, according to the applicant.

5. In the counter affidavit, filed on behalf of the respondents, the allegations of the applicant are rebutted. It is pointed out by them that the applicant had submitted his bills but the original documents, detailed list of all the medicines, lab test etc. and certificate of treating Doctor, had not been enclosed. While on the one hand, the applicant desired the reimbursement of Rs. 1,60,000/- deposited by him to the Apollo Hospital and payment of Rs.1,74,836/- in addition to the Hospital, he had, on the other hand, moved the Consumer Forum for the refund of the amount from the hospital and waiver of the balance. Thus the applicant was seeking to get the payments twice and therefore his motives are suspect, according to the respondents. It was also found that the applicant had not made the payment of Rs. 1.74,836/- to the Hospital, though he was claiming reimbursement thereon, which was against the rules. Further, the respondents had been repeatedly requested the applicant to produce the necessary documents and also the break up of items so that the admissibility of the same could be assessed in

terms of the rules. but the same has not been done by him. Unless and until, the same was done, the bills could not be sanctioned in accordance with the rules.

6. The written pleas submitted in the OA and the counter affidavit were forcefully reiterated by Sh. Sohan Lal and Sh. K.C.D.Gangwani. Sh. Sohan Lal, further indicated that the inclusion of the amount of Rs. 1,60,000/- in the case filed on behalf of the applicant before the Consumer Forum was by mistake and the same has been duly rectified by withdrawal/amendment in the petition.

7. During the oral submissions on 9-8-2002 Sh. Sohan Lal indicated that the necessary documents had been duly filed at the time of submission of the bills. Sh. Gangwani submitted that the originals have not been brought on record and that unless the original documents or those duly certified by the hospital showing the payment are produced, the respondents would not be in a position to proceed further in the matter. Ld. counsel for the applicant was, therefore, directed to produce the necessary original documents or those with due certification by the Hospital with regard to the payments already made and those to be made within two weeks time. However, today, it was found that the counsel for the applicant had not done the needful. Infact he was not even present even at the second call. but came only after the order was passed.

8. In view of the above. I am disposing of the OA with the observations that if the applicant or his counsel produces the necessary original documents or bills, duly verified and authentic by the hospital in terms of the rules within one month from the date of receipt of a copy of this order, the respondents shall within one month thereafter consider the same in accordance with law and pass necessary orders. If the applicant or his counsel is not able to do so, the respondents shall be at liberty to deal with the situation as found proper by them. No costs.

9. The operative portion of this order was pronounced in open Court at culmination of the oral submissions.

(GOVINDAN SATAMPI)
MEMBER (A)

Patwal/