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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 1015/2001

New Delhi, this the 29th day of October, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Madan Pal  
S/o Shri Chandra Bhan  
R/o Village Mehrauli, P.O. Sahapur Bamhetta  
Distt. Ghaziabad, U.P.

... Applicant

(By Advocate Shri Naresh Kaushik with  
Ms. Shilpa Chohan, Advocate)

V E R S U S

1. C.P.W.D.  
Through  
Director General (Works)  
E C-V Section  
Nirman Bhavan  
New Delhi.

2. Shri Vikas Gupta  
Executive Engineer (EL)  
Hindon Central Elect. Divn.  
C.P.W.D. Hindon A.F.  
Ghaziabad-201004.  
(U.P.)

... Respondents

(By Shri Madhav Panikkar, Advocate)

ORDER (ORAL)

S.A.T. Rizvi, Member (A):-

Applicant's son met with an accident on 29.7.1999 and had to be admitted, in a serious condition, in the Narinder Mohan Hospital, Mohan Nagar, Ghaziabad the same day for indoor treatment. The said hospital is recognised by the Government of India for the purpose of giving treatment to Central Government employees and their family members. The applicant applied for an advance of Rs.70,000/- in connection with his son's treatment at the said hospital against which Rs.20,000/- were sanctioned by office order dated 13.8.1999 with the

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stipulation that the aforesaid amount of Rs.20,000/- will be paid by cheque to the Narender Mohan Hospital, Ghaziabad. The learned counsel appearing on behalf of the applicant submits that the applicant's son could not be successfully treated within the amount sanctioned by the respondent authority and had, therefore, to be withdrawn from the said hospital leading to his ~~death~~<sup>2</sup> death. On this basis, the learned counsel seeks a direction to respondent No.1 to pay exemplary compensation to the applicant.


2. The learned counsel appearing on behalf of the respondents submits that though, in the first instance, a sum of Rs.20,000/- was sanctioned, there was no hesitation on the part of the respondent authority to sanction further sums of money required in connection with the aforesaid indoor treatment. The entire matter, according to him, is to be governed by the Government of India guidelines relating to indoor treatment in private hospitals in accordance with package deals. He has also drawn our attention to the letter dated 23.12.1999, Annexure I from the said hospital which brings out the fact that the patient, namely, the applicant's son was not discharged but had left against medical advice. The said letter also clearly indicates that the applicant had noted in the M.R.D. that he was taking away his son of <sup>his own</sup> his will. Further, according to the said hospital, the question of paucity of funds did not come in the way of the treatment of the applicant's son. The learned counsel has also drawn our attention to a certificate

prepared under the signature of the applicant (Annexure-II) which also shows that he had been informed of the risk involved and that the decision taken by the applicant to withdraw his son from indoor treatment in the said hospital was entirely his own. A further letter from the said hospital placed at Annexure-III goes to show that a total amount of Rs.44,411/- was spent on the indoor treatment of the applicant's son during the period from 29.7.1999 to 16.8.1999.

3. In view of what the hospital authorities have had to say about the risk taken by the applicant himself by withdrawing his son from the hospital, the prayer made for grant of compensation cannot, in our view, be sustained. Moreover, such a claim will also not be covered by the provisions of Section 3 (q) of the Administrative Tribunals Act, 1985. However, the applicant would indeed be entitled to receive payment of whatever amount he may have spent on the indoor treatment of his son over and above the amount of Rs.20,000/- already sanctioned by the respondent authorities. For this purpose, the applicant will be free to file a representation before the respondent authorities giving details of the expenditure incurred within two weeks from the date of this order. The respondent authorities will consider the claim preferred by the applicant in accordance with the relevant financial rules and the guidelines issued by the Government of India for reimbursement of claims in such cases within a period of two months from the date of receipt of applicant's representation. If the applicant is found to have spent

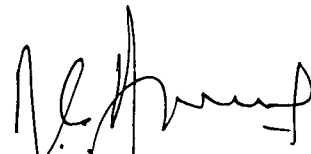
any amount over and above the sanctioned amount of Rs.20,000/- and the claim in respect thereof is found to be valid in accordance with the relevant financial rules and the aforesaid guidelines, in addition to the amount found due, he will also be entitled to payment of interest at the rate of 12% per annum on the aforesaid amount from the date payment was made by him to the hospital authorities to the date on which the payment is made to him by the respondent authority.

4. Present OA is disposed of in the aforestated terms with no order as to cost.



(S.A.T. Rizvi)  
Member (A)

/sns/

  
(Ashok Agarwal)  
Chairman