

Central Administrative Tribunal
Principal Bench

O.A. 1922/99

New Delhi this the 6th day of December, 2000
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri B.S. Tandon,
alias Bishan Sarup Tandon,
Flat No. B-1/1691, Vasant Kunj,
New Delhi. Applicant.

(By Advocate Shri M.L. Chawla with Shri S.L. Lakhanpal)

Versus

1. Union of India through
Secretary,
Ministry of Health, Govt. of India,
Nirman Bhawan,
New Delhi.
2. Director,
CGHS, Nirman Bhawan,
New Delhi.
3. Chief General Manager (Maintenance),
Northern Telecom Region,
Kidwai Bhawan, Janpath,
New Delhi. Respondents.

(By Advocate Shri Madhav Panikar - for Respondents 1 and 2,
By Advocate Shri R.V. Sinha through proxy counsel Shri A.S.
Singh - for Respondent 3).

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the order passed by the respondents dated 18.5.1999, rejecting his representation dated 31.3.1999 for full reimbursement of his bills for the treatment undertaken by him at Escorts Heart Institute and Research Centre (EHIRC).

2. I have heard the learned counsel for the parties and perused the records.

3. The impugned order dated 31.3.1999 does not disclose any specific reasons as to why the claim for

medical reimbursement raised by the applicant has been rejected, excepting to say that it is over and above the ceiling rates fixed under the Central Government Health Scheme (CGHS). Shri M.L. Chawla, learned counsel, relies on the referral note given by Dr. Deepak Natarajan, Head of Department (HOD) of Cardiology, Dr. R.M.L. Hospital, New Delhi, dated 25.9.1998 and another note dated 30.9.1998 and the referral note of Dr. A.K. Srivastava, MS (Surgery), Neurology and Neurosurgery of the same Hospital (Page 17 of the paper book). Learned counsel for the applicant has very vehemently submitted that in terms of these referral notes of the competent Doctors, the applicant has been treated for carotid block involving surgical operations at EHIRC. The learned counsel for the applicant states that the grievance of the applicant is that the respondents have wrongly reimbursed him for medical treatment for "Thrombo-endarterectomy" which is a general term which can encompass any surgery for removal of Thrombus, and not for the particular treatment that he has been advised, and has undertaken which is carotic/block surgery.

4. On the other hand, the respondents have relied on Annexure R-I to the additional affidavit filed by them dated 10.8.2000 given by Dr. Vijay Gupta, Senior Cardiothoracic Vascular Surgeon, Dr. R.M.L. Hospital, New Delhi and Dr. B.M. Hazarika, Chief Medical Officer, CGHS, R&H Section, New Delhi. In this letter, following a meeting held in the office of the Addl. Director, CGHS (HQ), Dr. Vijay Gupta has commented as follows:

13/

"Thrombo-endarterectomy is done in case of blocked arteries anywhere in the body like Coronary Artery, Limb Artery, Carotid Artery etc. In this procedure the block in the vessel is removed. In this case Thrombo-endarterectomy was done in Carotid Artery so Carotid Endarterectomy also come under the broad terminology of Thrombo-endarterectomy".

Shri Madhav Panikar, learned counsel has submitted that taking into account the medical treatment given to the applicant at EHIRC and this opinion, there is no validity in the claims of the applicant for full reimbursement of the medical bills for undergoing carotid block surgery.

5. On a perusal of the pleadings and the facts briefly referred to above, it is seen that the issues involved in this case are with regard to the actual nature of medical treatment/surgery undertaken by the applicant in pursuance of the recommendations of the HOD of Cardiology and MS (Surg). Neurology and Neurosurgery of Dr. R.M.L. Hospital, New Delhi. The fine distinctions/between carotid block surgery and Thrombo-Endarterectomy, in the circumstances of the case would be best left to experts in the field, as it is not clear whether the medical treatment undertaken by the applicant at EHIRC in pursuance of the aforesaid referral notes of the concerned Doctors at Dr. R.M.L. Hospital, is exactly the same or not. It is, however, submitted by Shri M.L. Chawla, learned counsel that the treatment undergone by the applicant at EHIRC has been totally satisfactory and there is no complaint from him on this account. He has submitted that he would be satisfied if the respondents would obtain the comments of the HODs of Cardiology, Neurology and Neurosurgery, Dr. R.M.L. Hospital, preferably the same Doctors if they are

still available, who gave the aforesaid referral notes before they take a final decision in the matter which, according to him, they have not done.

6. Noting the above submission of the learned counsel for the applicant and in the peculiar facts and circumstances of the case, it would be in the fitness of things if Respondents 1 and 2 obtain the comments of the Heads of Departments as mentioned above and have the matter reconsidered with respect to the claim of the applicant for medical reimbursement for the treatment he has undertaken at EHIRC. The respondents shall pass a reasoned and speaking order with intimation to the applicant as early as possible, but in any case within six months from the date of receipt of a copy of the order. It is further noted that the decision taken by the respondents based on the comments of the concerned Doctors shall be treated as final and binding on the applicant, as submitted by the learned counsel for the applicant. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)

Member(J)

'SRD'