

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.197/98

New Delhi: this the 11th day of March, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Shri Kewal Krishan Khurana,
S/o Shri M.L.Khurana,
R/o B-IX/6383 Vasant Kunj,
New Delhi -110070

.... Applicant.

(By Advocate: Shri R.P. Sahi)

Versus

Union of India through

1. The Secretary to the Govt.
of India, Ministry of Health,
Nirman Bhawan,
New Delhi -110070.
2. Director General, Health Services,
Govt. of India,
Nirman Bhawan,
New Delhi - 110001.
3. Director (Central Govt. Health Scheme),
Govt. of India (Reimbursement and Hospitalisation),
Nirman Bhawan,
New Delhi -110001
4. Chief Medical Officer (CGHS) (R &H),
Govt. of India,
Nirman Bhawan,
New Delhi -110001

.... Respondents.

(By Advocate: Shri M.K.Gupta).

ORDER

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

In this OA filed on 16.1.98 applicant seeks reimbursement of Rs. 30,930/- the break up of which is as under:

- i) Paid to Notional Heart Institute for diagnostic procedures including Angiography during 1st to 7th July, 1998. Rs. 8,230/-
- ii) Paid to Escorts Heart Institute & Research Centre for open Heart Surgery during the period 24.7.90 to 11.8.90 = 63700/-
Admittedly reimbursed (-)
by DGHS = 42500/-
21200/-

iii) Post Operative Evaluation during 18-21.8.96, reimbursed by DGHS Rs.9,000/- leaving the balance = 1500/-

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Total of (i), (ii) & (iii) = 30,930/-

2. Heard both sides.

3. In so far as the claim for (i) above is concerned, respondents have pointed out that this sum of Rs.8,230/- has been claimed for the first time in 1996 and even the bill issued by NHI is dated 27.9.96. As such the claim is not entitled to reimbursement, it not having been submitted within the mandatory time limit of 90 days prescribed in the Central Services (Medical Attendants) Rules, 1944 read with OMs dated 28.12.70 and 21.3.74. In M.A.No.2407/98 seeking condonation of delay in pressing this claim for Rs.8230/- applicant has contended that he had left his personal copies of his medical claims with a family friend whose house was robbed in November, 1992, as also his own health condition as well as domestic problems, but I am not satisfied that the grounds advanced by applicant are sufficient to condone the delay. In fact there is considerable merit in respondents' contention that this claim for reimbursement of Rs.8230/- has been initiated after the Hon'ble Supreme Court's judgment in Surjeet Singh's case. The Hon'ble Supreme Court have themselves laid down in Bhoop Singh Vs. UOI J.T 1992 (3) SC 372 that judgments and orders in other cases do not extend the period of limitation which has to be reckoned from the date the cause of action initially arose. As the cause of action in regard to Claim No. (i) for reimbursement of Rs.8230/- arose in July, 1990, the claim is clearly barred by limitation

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not only in respect of the Central Services (M.A.) Rules, 1944 but also the relevant provisions of the A.T. Act and is therefore rejected.

4. As regards claims for (ii) and (iii) above, applicant has been reimbursed what was admissible to him in terms of the package deal entered into by respondents with Escorts Heart Institute at the relevant time and the claims for (ii) and (iii) above are not reimbursible under the relevant instructions.

5. The OA is therefore dismissed. No costs.

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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