

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 955/98

New Delhi: Decided on

22.1.1999

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

Narender Singh Uppal,
S/o Late Sh. Avtar Singh Uppal,
R/o C-8/8568, Vasant Kunj,
New Delhi

..... Applicant.

(By Advocate: Mrs. Meera Chhibber)

Versus

Union of India
through

C.G.H.S., 'D' Wing,
Nirman Bhawan,
New Delhi.

2. Commandant,
C.D.O., Delhi Cantt.-10

..... Respondents.

(By Advocate: Sh. Madhav Panikar for R-1
and Sh. G. G. for
Sh. R.P. Agarwal for R-2.

ORDER

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

Applicant seeks full reimbursement of Rs. 1,37,620/- towards angiography, CABG and Misc. charges incurred by him in Apollo Hospital, New Delhi in July, 1996 as against Rs. 72,500/- reimbursed to him by respondents.

2. Applicant is posted in Delhi. His case is that he was chargesheeted in two separate enquiries which were directed to be held in Agra, and while he was in Agra in connection with those enquiries he suffered a heart attack on 4.6.96 and got himself admitted, treated and discharged on 10.6.96 (Annexure- P II). On 9.7.96 when he went for recheck up, he was advised angiography. On

2

12.7.96 his condition deteriorated further, but Agra Hospital was not equipped for heart surgery nor angiography. Thereupon he returned to Delhi by road, and on the way finding his health had deteriorated sharply, as he approached Apollo Hospital, he was taken for immediate medical aid there, where he was advised angiography immediately. He states that upon conducting angiography on 13.7.96 it was found that there was 100% blockage upon which immediate CABG was advised. He states that he underwent heart operation on 15.7.96 and was eventually discharged on 22.7.96 after paying a total bill of Rs.1,37,620/- as against which he has been reimbursed only Rs.72,500/-.

3. Applicant's counsel Mrs. Chhibber besides referring to the facts mentioned above, has stated that in Surjeet Singh Vs. State of Punjab & Ors. JT 1996(2) SC 28, the Hon'ble Supreme Court has held that self preservation of life is a necessary concomitant of the right to life enshrined under Article 21 of the Constitution and in the particular facts and circumstances stated in para 2 above, applicant had absolutely no alternative but to get himself immediately admitted and operated upon in Apollo Hospital, and therefore could not legitimately be denied 100% reimbursement of the expenses incurred by him there. Other judgments relied upon by her are State of Punjab Vs. M.S. Chawla (1997) 2 SCC 83 and the CAT Chandigarh Bench judgment dated 9.12.97 in A.S. Gill Vs. UOI & Ors. AISLJ 1998

(3) CAT 56.

4. Respondents in reply deny the claim, and counsel S/Shri Agarwal and Panikar have emphasised that applicants' reimbursement has been sanctioned strictly in accordance with respondents' OM dated 20.7.94 (Annexure-RI) read with OMs dated 5.10.94 and 31.10.94 and he is not entitled to any further reimbursement. Reliance has been placed on the Hon'ble Supreme Court's ruling in State of Punjab & Ors Vs. R.L. Bagga & Ors 1988 (4) SCC 117, as well as the CAT P.B. order dated 13.8.98 in OA No. 299/98 S.P. Kapur Vs. UOI.

5. I have considered the matter carefully.

6. OMs dated 20.7.94; 5.10.94 and 31.10.94 prescribe reimbursement rates for CGHS beneficiaries according to their basic pay for coronary surgery and angiography undergone in private hospitals recognised under CGHS. A perusal of these OMs and annexures appended therewith, makes it clear that Apollo Hospital, New Delhi where applicant had his heart operation is not one of the private hospitals in Delhi recognised under CGHS. Only three private hospital in Delhi are recognised under CGHS under these OMs namely, Batra Hospital & Medical Research Centre; National Heart Institute; and Escort Heart Institute & Research Centre. Despite that, respondents have extended the benefit of the above OMs to applicant and reimbursed him in accordance with the scales prescribed in those OMs, as if he had been treated in

~

9

a private recognised hospital. Manifestly this is as far as respondents could reasonably have gone, in the facts and circumstances of this case. As the rates prescribed in these OMs were to be applicable for two years and applicant's angiography and ^{the} applicant's heart operation in Apollo Hospital, New Delhi fell within this two year period, respondents cannot be faulted on that account either. The facts and circumstances in Surjeet Singh's case (supra) as well as in Chawla's case (supra) are entirely different from the facts and circumstances of the present case and do not assist the applicant. Similarly A.S.Gill's case (supra) does not advance applicant's case as Shri Gill was treated in Batra Hospital, New Delhi which as noted above is a recognised private hospital unlike Apollo Hospital, New Delhi.

7. Indeed applicant's case is squarely hit by the ratio in S.P.Kapur's case (supra), namely that having taken treatment at a non-recognised Hospital, he cannot claim reimbursement beyond the maximum provided by CGHS Rules, which are the charges leviable at AIIMS. The OA therefore warrants no interference and is dismissed. No costs.

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

/ug/