

Central Administrative Tribunal
Principal Bench

O.A.No.962/98

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 25th day of January, 1999

S.Mussihuzzman
aged about 66 years
s/o S. Amiruddin
r/o 39 A, Pocket-A
DDA Flat, Sukhdev Vihar
New Delhi. Applicant
(By Shri Sanjay Kumar, proxy of Ms. Asha Upadhyay,
Advocate)

Vs.

1. Union of India through
Secretary
Ministry of Health
New Delhi.
2. The Additional Dy. Director General
Health Services (HQ)
Nirman Bhawan
New Delhi.
3. Additional Director General
C.G.H.S., Indu Bhawan
Gandhi Nagar
Boring Road
Patna (Bihar). ... Respondents
(By Shri M.K.Gupta, Advocate)

O R D E R

The applicant, who has retired as Assistant Accounts Officer in 1990, states that he had come to Delhi for his own medical check up in 1995. During his stay in Delhi, his wife complained of some obstruction while swallowing food. When he took her to Holy Family Hospital for check up, certain investigations followed and it was established that the applicant's wife was suffering from cancer of esophagus. After treatment at Holy Family Hospital, the wife of the applicant was discharged and was put up on chemotherapy. The applicant thereafter submitted a claim for reimbursement of the expenditure incurred at Holy Family Hospital but no reply was given. Later the condition of the applicant's wife at Patna took a serious turn and on 8.6.1997, she had to be admitted at a private clinic and after her condition

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became little stable she was flown to Delhi and admitted in Appollo Hospital where she expired after two days. The applicant states that he submitted bills for reimbursement of the treatment of his wife amounting to Rs.70,224/-. However after protracted correspondence the respondents sanctioned only a sum of Rs.20,675 and refused to reimburse the remaining expenditure including the cost of medicines on the ground that the treatment of the applicant's wife had been obtained at Holy Family Hospital and Appollo Hospital and not at Government Hospital, as a matter of choice.

2. I have heard the counsel. The claim of the applicant in regard to the treatment at Holy Family Hospital pertains to the period 1995 while the present application has been filed on 4.5.1998. Further on merits also the applicant does not have a strong case for reimbursement of the expenditure incurred at the Holy Family Hospital. As rightly pointed out by the respondents, the applicant on his own admission had come to Delhi for cardiac treatment at AIIMS. In these circumstances, it should have been possible for him to have also shown his wife and get her treated at AIIMS. Viewed in that light, the treatment at Holy Family Hospital would appear to be a matter of choice. Therefore the claim made by the applicant towards the reimbursement of the expenditure incurred at Holy Family Hospital cannot be granted.

3. In so far as the treatment at a private clinic at Patna is concerned, all that applicant has stated is that the CGHS dispensary was closed on that day and that necessitated his wife's admission in the private clinic.

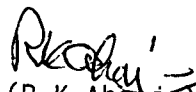
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If that be so he should have obtained a certificate from the CGHS at Patna. I find that the applicant has been unable to make out a ground regarding the urgency of taking her a private clinic at Patna and his claim for reimbursement for her treatment in the private clinic and therefore the same too cannot also be granted.

4. The position in regard to the treatment of applicant's wife in Appollo Hospital however is a different matter. The respondents have certified that the treatment was obtained at a private hospital in the emergent circumstances. If it was a case of emergency the reimbursement of expenditure should have been to the fullest extent and not limited to the extent of cost of the same treatment at AIIMS. According to the representation of the applicant dated 23.7.1997 submitted to the Additional Deputy Director General (Head Qtrs) Health Services, the expenditure incurred by the applicant for treatment of his wife at Appollo Hospital was Rs.51,193/-. This amount should rightly be reimbursed to the applicant.

5. In the light of the above discussion, I dispose of the OA with a direction to the respondents to reimburse the claim of the applicant to the extent of the cost of treatment at Appollo Hospital. Since an amount of Rs.20,675/-^{has} already since been paid to the applicant, the remaining amount will be reimbursed by the respondents to applicant within a period of two months from the date of receipt of a copy of this order. No costs.


(R.K. Ahuja)
Member(A)

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