

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOJJA, MEMBER(A)

O.A. NO.2130/1996

NEW DELHI, THIS <sup>9th</sup> DAY OF APRIL, 1997

SHRI KRISHNA DUTT  
S/o Lt. Shri Vanmali Lal  
R/o J-588 Mandir Marg  
NEW DELHI-1

..APPLICANT

(By Shri D.R.Gupta, Advocate)

VERSUS

1. UNION OF INDIA, through
1. The Secretary  
Ministry of Health & Family Welfare  
Nirman Bhawan  
New Delhi
2. The Director  
C.G.H.S., Nirman Bhawan  
New Delhi.
3. The Secretary  
D/o Admn. Reforms & Public Grievances  
M/o Pers., Public Grievances & Pensions  
Sardar Patel Bhawan  
Parliament Street  
New Delhi
4. The Medical Superintendent  
Dr. R.M.L. Hospital  
New Delhi

..RESPONDENTS

(By Shri M.K.Gupta, Advocate)

ORDER

The applicant who is working as Section Officer in the D/o Administrative Reforms & Public Grievances is aggrieved by the rejection of his medical reimbursement claim vide letters dated 14.11.95 and 13.12.95 (A-1 & A-2).

2. The case of the applicant is that he was suffering from a condition known as Severe Epistaxis and was under treatment of Dr. RML Hospital from 28.5.93 to 31.5.93. On 31.5.93, in the RML Hospital itself, he fell unconscious and the treating doctor asked him to be taken to Sir Ganga

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Ram Hospital (advice at A-3). Accordingly, he was treated at Ganga Ram Hospital from 31.5.93 to 10.6.93, for which he incurred an expenditure of Rs.10,679.75. However, his representation for reimbursement of the said expenses was rejected on the ground that he had gone to Ganga Ram out of choice and his case was accordingly not covered for reimbursement of expenses incurred in unrecognised hospitals. The applicant contests the impugned rejection order on the ground that he had to go to Ganga Ram Hospital in view of the extraordinary circumstances of his medical condition and that too on the advice and reference of the treating doctor in the RML Hospital.

3. The respondents deny that the expenditure was incurred under compelling circumstances as alleged by the applicant. They further state that on enquiry, it was found that the applicant was referred to Ganga Ram Hospital only on his own and his relatives' insistence. They point out that though the claim is that he was referred to Ganga Ram in a critical condition on 31.5.93, he did not get admitted on the same day but only on 2.6.93 and ~~when~~ his investigation and treatment was also carried out from 2.6.93. If he had been taken to Ganga Ram Hospital in emergency circumstances this would patently not have been so.

4. I have heard the counsel on both sides. Shri D.R. Gupta, ld. counsel for the applicant, pointed out that the referral was by the RML Hospital itself. If the RML Hospital was competent to treat the patient, then there should have been no occasion for such a referral. The applicant was not admitted on 31.5.93 itself because the doctors in Ganga Ram Hospital thought of observing his condition by

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giving him treatment and sending him home. But as his condition further deteriorated, he had to be admitted in the hospital. He was administered blood transfusion repeatedly which also shows that his condition was critical. Shri M.K. Gupta, Id. counsel for the respondents, on the other hand points out that the referral had been made by a junior resident who had just recently come to the hospital and did not understand the procedures. The medical condition of the applicant was such, as explained by respondents in annexure R-1, that it could be competently handled in RML Hospital itself. Obviously therefore the applicant's treatment in Ganga Ram Hospital was out of choice.

5. I have carefully considered the matter. The undisputed fact is that as per Annexure A-3, the applicant had been referred to Ganga Ram hospital on 31.5.93. This being so, the respondents cannot disclaim this referral on the ground that it was done by a person who was not fully acquainted with the procedures. The letter of the Additional Medical Superintendent dated 11.8.94 (R-1) states that no case has ever been referred by a Senior Resident without consulting the specialist on duty. It was for the Supervisory officers in the RML Hospital to properly brief the staff on duty. The applicant had proceeded to Ganga Ram Hospital under the bonafide belief that he had been referred by a competent doctor from the Government hospital. It makes no difference whether he was admitted the same day or on a later date by the Ganga Ram authorities as the patient himself cannot be expected to know the seriousness of his condition nor can he be expected to go back to RML hospital on the ground that he was not admitted but merely treated in the OPD by the

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Ganga Ram Hospital. Nothing has been shown by the respondents to establish that such reference is valid only for a single visit to the hospital to which the patient has been referred. Obviously, the expenditure incurred on admission was in continuation of the treatment for the same complaint for which the reference had been made by the RML Hospital.

6. In view of the above discussion and facts and circumstances of the case, I find that the applicant has a valid claim. Accordingly, the O.A. is allowed. The respondents will reimburse the claim of the applicant after obtaining proper verification of expenses, as may be required under rules. This will be done within a period of two months from the date of receipt of a copy of this order. No costs.

  
(R.K. AHOJJA)  
MEMBER (A)

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