

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.2224 of 1996 decided on 1st August, 1997.

A.R. Raizada  
(In-person)

...Applicant

Vs

Union of India & ~~others~~ anr.  
(By Advocate : Shri M.K. Gupta)

...Respondents

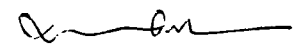
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Hon'ble Mr. N. Sahu, Member(A)

1. To be referred to the Reporter or not?
2. Whether to be circulated to other Benches of the Tribunal?

YES/NO

YES/NO

  
( N. Sahu )  
Member(A)

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.2224 of 1996

New Delhi, this the 1st day of August, 1997

Hon'ble Mr. N. Sahu, Member (A)

Shri A.R.Raizada, Flat No.T-7,  
Srinivasपुरi, New Delhi-110 065

-Applicant

(By Advocate- None)

Versus

The Union of India and other respondents

1.The Secretary, Govt.of India, Ministry of  
Health, Nirman Bhavan, New Delhi

2.The Director General of Health Services,  
Ministry of Health, Nirman Bhavan,  
New Delhi

-Respondents

(By Advocate-Shri M.K.Gupta)

J U D G M E N T

By Hon'ble Mr.N.Sahu, Member (A) -

The applicant in this Original Application claims release of Rs.26,000/- limited as per rules towards the costs of a pacemaker.

2. The applicant retired from the Office of the Directorate General of Supplies & Disposal on 31.7.79. He holds CGHS Card No.411548, Dispensary No.37. He purchased a C.P.I.Astra T.Pace Maker with accessories on 7.12.1994 for a sum of Rs.31,500/-. He claims that he was taken to Batra Hospital in an unconscious state and he was administered artificial breathing. He further states that the Pace Maker was implanted in the body on 7.12.1994 and the Pace Maker functioning was checked on 15.12.1994. The Chief Medical Officer, CGHS sent back by letter the claim/dated 3.7.1995 on the ground that the treatment should have been taken in a Government hospital. The applicant submits that under Govt.of India, Ministry of

Contd.....2/-

Health & Family Welfare O.M.No.S.14012/9/75-MC(MS)

dated the 18th June, 1982 instructions have been to allow full reimbursement issued/in cases where Government servants had undergone treatment in emergency in recognised hospitals even though they had not been formally referred by the authorised medical attendant, an extract of which is reproduced below-

"In such cases, where in emergencies, treatment is obtained in hospitals recognised under the Central Government Health Scheme or under the CS(MA) Rules, 1944, even though the procedure prescribed therefor had not been followed, the reimbursement may be allowed in full in accordance with the rates as approved under the CS(MA) Rules, 1944, or under the Central Government Health Scheme, as may be applicable subject to the extent admissible under the CS(MA) Rules, 1944 and fulfilment of other codal requirements thereunder."

(emphasis supplied)

It is also submitted that the choice of the recognised hospital where the Government servant would like to avail of the treatment is left to the beneficiary himself. As far as Delhi is concerned there are three private hospitals recognised for coronary by-pass surgery and one of them is Batra Hospital and Medical Research Centre. The applicant, therefore, states that in terms of Order No.S-12015/2/92-CGHS(P) dated 18.3.1993 from Govt. of India, Ministry of Health & Family Welfare he would be entitled to reimbursement of Rs.26,000/- out of the cost of the Pacemaker.

3. The respondents besides stating that the treatment was not taken in a recognised hospital had doubted the genuineness of the version of the applicant that he was taken to the private hospital in an unconscious state. The purchasing and implanting of the pacemaker on the same date added to the suspicion about the genuineness of the claim of

Contd....3/-

emergency.

4. The dispute is in a narrow compass. If the Government servant on medical advice purchases a pacemaker that may be a valid claim. An emergent situation like a heart attack is not a necessary precondition for implanting the pacemaker. In fact implanting of the pacemaker can be done only when a certain degree of normalcy ensues in the patient in order to bear the strain of implanting. In the instant case there is no evidence filed with chronological dates as to the state of emergency which compelled the applicant to bypass the normal procedure of consulting the CGHS authorities and having his case referred by the authorised medical attendant. The pleadings do not establish any case of emergency.

5. In the circumstances I would direct the applicant to secure from Batra Hospital the chronological dates of admission, treatment advised and a certificate as to whether the applicant was prevented on account of the status of his health from not following the prescribed procedure for reference to a recognised hospital. If the statement in the OA is borne out from Batra Hospital records that he was taken to the hospital in a state of unconsciousness and soon after the pace maker was implanted, there should be no difficulty for the doctor attending on him to consult the existing medical records of the Batra Hospital and certify to this effect. The evidence required for this purpose as well as a certificate from the Batra Hospital be secured and submitted to the respondent no.2 i.e. the Director General of Health services, Nirman Bhawan, New Delhi within a period of six weeks from the date of receipt of this order. The respondent no.2 on the submission of such evidence shall consider the claim of the applicant in accordance with

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Order No.S-12015/2/92-CGHS(P) dated 18.3.1993 and  
on the question  
pass an order/of release of the amount claimed as  
per rules within a period of six weeks of the receipt  
of the applicant's representation along with the  
necessary documents.

6. The Original Application is disposed of  
with the above directions. The parties shall bear  
their own costs.

*N. Sahu*  
(N. Sahu) 1.8.97-  
Member (A)

RKV.