

Central Administrative Tribunal
Principal Bench

O.A.No.158/97

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

New Delhi, this the 2nd day of March, 1998

B.C.Mittal
r/o B-154 Shivalik
Near Malviya Nagar
New Delhi - 110 017. ... Applicant

(Applicant in person)

Vs.

D.G.H.S. (C.G.H.S.)
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi. ... Respondent

(By Shri M.K.Gupta, Advocate)

O R D E R (Oral)

The applicant is aggrieved by the rejection of his two claims of medical reimbursement for, his two operations, one Hip Bone operation in Mool Chand Hospital and the second an Eye operation in AIIMS. The applicant who is a retired person and a CGHS beneficiary states that he had gone to Safdarjung Hospital on 27.3.1989 but as he found that he was not being given proper attention, he sought expert advice in AIIMS. Considering the urgency, it was decided by the doctors at AIIMS that his eye should be operated upon immediately and the operation was conducted on 19.4.1989 on a priority basis. His claim of reimbursement for an amount of Rs.3244.70 was rejected on the ground that facilities for such operation were also available at Safdarjung Hospital.

2. The applicant further submits that when he had gone to Safdarjung Hospital in December, 1990 with a broken hip-bone, he was told by the hospital authorities that he could not be treated since the operation theaters in that hospital were closed. He was then

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advised to go to AIIMS. In a critical stage, he submits, he proceeded to the nearest hospital, namely, Mool Chand Hospital where his broken hip-bone was operated upon for which the hospital preferred a bill of Rs.20,289.10. This claim was also rejected by the respondents on the ground that the applicant should have obtained the treatment in AIIMS, as advised.

14

3. I have heard the applicant in person and Shri M.K.Gupta for the respondents. The applicant submits that since he was all alone in Delhi, he had to take a decision himself, on his treatment, which was of a critical nature. He also submits that he had to travel by air from Bombay and even ~~that~~ claim was also not reimbursed. The learned counsel for the respondents states that both the claims are time barred and further that the applicant should have obtained treatment in the Government hospitals where the requisite facilities were available.

4. I have considered the matter. So far as the question of limitation is concerned, the applicant has also filed an MA No.201/97 for condonation of delay. His explanation is that he had been pursuing the matter by further representations with the respondents. Later he sought a relief from the District Consumer's Court Forum-II. Considering that the applicant is an old person and a pensioner, MA for condonation of delay is allowed.

5. In so far as his case for reimbursement of the expenses incurred at AIIMS is concerned, I consider that the applicant has a good case as both the hospitals,

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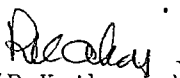
namely, Safdarjung and AIIMS are Government hospitals.

Even though the AIIMS is a referral hospital, the very fact that the applicant was admitted and operated upon shows that his condition required immediate attention. Therefore, the authority should have admitted his claim, in the normal course. However, as they have not done so, they are directed to reimburse the applicant for the expenses incurred in his operation in AIIMS to the extent permissible under Rules.

15

The other claim regarding his treatment for hip bone operation in Mool Chand Hospital is not so well founded. The applicant states himself that he was advised to go to the AIIMS but instead he went to Mool Chand Hospital. At the relevant time Mool Chand Hospital was not a recognised hospital for CGHS beneficiaries. Nevertheless, even if he had been treated in AIIMS, he would have been entitled to the reimbursement of the expenses incurred therein. In the ratio of Supreme Court's order in Surjit Singh Vs. State of Punjab & Others, JT 1996(2) SC 28 the respondents are directed to reimburse the applicant's claim to the extent that a similar operation and treatment would have cost in AIIMS.

7. The reimbursement on both claims as directed above will be made within a period of three months from the date of receipt of a copy of this order. The applicant has also made a claim for 18% interest. In the facts and circumstances of the case this is not allowed. The OA is disposed of as above. No costs.


(R.K. Ahooja)
Member(A)

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