

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1718 of 1997

New Delhi, this the 26th day of February, 1998.

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

P.N. Taneja
S/o Shri R.C. Taneja
E-10/JC, DDA Flats
Munirka
New Delhi- 110 067

...Applicant

(By Advocate : Sh.H.S. Dahiya)

Versus

Union of India: through

1. The Secretary
Department of Science & Technology
Technology Bhawan
New Mehrauli Road
New Delhi- 110 016
2. The Director General
Council of Scientific &
Industrial Research
Anusandhan Bhawan
Rafi Marg, New Delhi-1
3. The Director
National Physical Laboratory
K.S. Krishna Marg
New Delhi-12
4. The Sr. Controller of Administration
National Physical Laboratory
K.S. Krishna Marg
New Delhi - 110 012

...Respondents

(By Advocate: Sh.V.K.Rao)

ORDER(ORAL)

By Sh. N. Sahu, Member(A) -

The brief issue in this OA is two fold. The first point relates to certain totalling mistakes in the claim for reimbursement. Learned counsel for the applicant wants to sit across with the respondents and if he is satisfied that the claim is wrong because of a mistake, he would accordingly scale down the claim to the extent of the mistake. The applicant agrees that there is a mistake. He should consult the

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respondents in this regard within ten days from today and if there is a mistake, he should sort out the same after discussion with the respondents in this regard. The second point related to the reimbursement of actual expenses incurred by the applicant for the treatment of his wife at AIIMS, New Delhi. The applicant submits that his wife was suffering from Arthrites and was undergoing medical treatment at CGHS, R.K. Puram, New Delhi. She was referred to AIIMS by Medical Superintendent of RML Hospital, New Delhi on 08.12.1994. The applicant obtained the permission of the same from the Chief Medical Officer, CGHS, R.K. Puram for treatment of his wife in AIIMS. The applicant's wife was operated upon for "left knee replacement" at AIIMS and remained there from the period 09.12.1994 to 23.01.1995. The applicant submitted the bill amounting to Rs.90,600/- for reimbursement to Respondent No.3 on 30.03.1995 and thereafter he sent a reminder vide his letter dated 11.09.1995 to Respondent No.4 which was followed by various reminders but to no avail.

2. After notice, the Respondents stated that delay in settling the medical bills is not on their part because as per the Medical Attendance Rules prior to 1995 the Rules did not permit reimbursement against total "Knee Replacement Zimmer B B" but only reimbursement against "Knee Cage and Knee Prosthetics". Respondents further stated that even after this the medical bill as claimed by the applicant has been admitted as a special case and a

compassionate view has been taken by the Comptent Authority in settling the Medical Bill for a sum of Rs.64,125/-. This amount has already been reimbursed to the applicant as is admissibile under the Rules. Learned counsel for respondents submitted that room rent for stay in the hospital as an indoor patient as claimed in the bills is much higher than the admissibility of Rs.50/- per day as per Rules. It is therefore, contended that as far as balance amount of Rs.26,475/- is concerned, the applicant is not entitled for reimbursement of the same.

3. I have heard the counsel for both sides. The admitted fact is that respondents have admitted the medical bill of the applicant and a partial payment of the same has also been made to the applicant. There is no justification at this stage for quibbling as to whether the case is one of "knee replacement" or ~~not~~ "knee cage". With regard to the rest of the claim, subject to the agreed correction of airthmetical mistakes, comprising of room rent paid, other miscellaneous charges this case is squarely covered by the judgment of the Hon'ble Supreme Court in State of Punjab Vs. Mohinder Singh Chawla - 1997(1) SLR 745 wherein it is held as under:

"It is now settled law that right to health is an integral to right of life. Government has constitutional obligation to provide health facilities. If the Govt. servant has suffered an ailment which requires treatment at a specialised approved Hospital and on reference where the Govt. servant had undergone such treatment therein, it is but the duty of the State to bear the expenditure by the State to the employee".

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It is further observed that -

"Having had the constitutional obligation to bear the expenses for the Govt. servant while in service or after retirement from Service, as per the policy of the Govt., the Govt. is required to fulfill the constitutional obligation"

In that case, Shri Mohinder Singh had a heart ailment. Facility of treatment not being available in State Civil hospitals, he was treated in AIIMS with the permission of the Medical Board. Government having refused to reimburse room rent for stay in AIIMS, the Apex Court held that room rent incurred is an integral part of medical expenses and should be wholly allowed.

4. In this view of the matter, the respondents are hereby directed to reimburse the full amount of room rent charged by the AIIMS and paid by the applicant whose genuineness is not in dispute. Similarly, they are hereby directed to reimburse the actual amount ^{under other heads} paid to the AIIMS which was charged by them in accordance with the rules and paid by the applicant. These amounts shall be reimbursed within a period of four weeks from the date of receipt of a copy of this order. As mentioned above, the question of arithmetical mistake will be rectified by the applicant himself within a period of ten days from today after discussing the matter with the respondents.

5. OA is disposed of. No costs.


(N. Sahu)
Member (A)

/Kant/