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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1086/94

New Delhi this the 26th Day of October, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Teerath Ram Batra,
R/o 11/55-A, Tilak Nagar,
New Delhi.

Applicant

(through Sh. Manoj K.Das, advocate)

versus

1. Director (C.G.H.S.),
D-Wing, 5th Floor,
Nirman Bhawan,
New Delhi-1.

2. Controller General of Defence Accounts,
West Block-V,
R.K. Puram, New Delhi.

Respondents

(through Sh. M.K. Gupta, advocate)

OORDER(ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The admitted facts of the case are these.

The applicant retired as Assistant Accounts Officer in the office of Controller General of Defence Accounts, New Delhi and was residing in Tilak Nagar. On 27.11.1991 his wife fell sick with a severe heart attack and was rushed to nearby C.G.H.S. dispensary where the doctors were on strike. She had to be taken to a private doctor who advised taking her to a Heart Specialist. While the applicant was taking her to Dr. R.M.L. Hospital, her condition deteriorated and she had to be admitted in Kalra Hospital, "Shri Ram" Heart Institute Research Centre, A-6, Kirti Nagar, New Delhi where she was under treatment from 27.11.1991 to 06.12.1991. The applicant submitted a claim of Rs.15,062.40 on 23.12.1992 alongwith a medical certificate and copies of bills and vouchers etc. Initially the medical claim was rejected vide letter

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dated 24.6.1993. However, on reconsideration, sanction of payment of Rs.8,360/- was issued vide letter dated 8.7.1994. The payment of this amount has been acknowledged by the applicant.

The applicant is still aggrieved that against the claim of Rs.15,062.40, only Rs.8,360/- have been reimbursed to him. A perusal of the departmental file shows that this amount has been sanctioned keeping in view the acute emergency of the case but the amount has been restricted as per charges of St.Stephen's Hospital. The learned counsel for the applicant has vehemently argued that under Rule 6(2) of the Central Service (Medical Attendance) Rules, 1944, the applicant is entitled to reimbursement of the whole amount. He has also explained that except Rs.500 payable for nursing charges, the balance expenditure on medicines and the tests is due for payment. Rule 6(2) of the above mentioned rules reads as under:-

"Where a Government Servant is entitled under sub-rule(1), free of charge, to treatment in a hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by authorised medical attendant in this behalf, be reimbursed to him by the Central Government;

Provided that the Controlling Officer shall reject any claim if he is not satisfied with its genuineness on facts and circumstances of each case, after giving an opportunity to the claimant of being heard in the matter. While doing so, the Controlling Officer shall communicate to the claimant the reasons, in brief, for rejecting the claim and the claimant may submit an appeal to the Central Government within a period of 45 days of the date of receipt of the order rejecting his claim."

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I accept the argument advanced by the learned counsel for the applicant that before rejecting the claim or accepting it in part, no personal hearing was given to him. The learned counsel for the respondents has agreed that the applicant shall be allowed to inspect the departmental file to find out whether any charges which were otherwise admissible as per the rules have not been reimbursed. After perusal of the file, the applicant may submit a representation. He shall be given an opportunity for personal hearing and his case should be referred to the Central Government for final decision by the respondents.

The O.A. is disposed of with the above observations.

No costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member(A)

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