

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2096 OF 2000

NEW DELHI THIS THE 9th DAY OF MAY, 2001.

HON'BLE SHRI KULDIP SINGH, MEMBER(J)

TN Kumar
9, Mandakini Enclave
Alaknanda
New Delhi-110019.Applicant
(By Advocate: Shri S.N. Anand)

VERSUS

Union of India through
Director General Health Services
Ministry of Health and Family Welfare
Room No. 510
Nirman Bhawan,
New Delhi.Respondent
(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL))

By Hon'ble Kuldip Singh, Member(J)

This OA has been filed by the applicant seeking directions to respondent to grant full medical reimbursement for emergency treatment taken by applicant a retired pensioner's wife from private nursing home to the extent of legitimately incurred sum of Rs. 29,377.20, against which only Rs.9320/- have been released as per the policy and rest of the same has been left for consideration. Respondents have annexed an Office Memorandum, a list of recognised of private hospital/ diagnostic centres under CGHS, Delhi for specialised and general purpose treatment and diagnostic procedures and fixation of ceiling rates (R-1), According to this the applicant is entitled to a sum of Rs. 9320/- as provided in this case. Referring to a judgement reported in AIR 1998 Supreme Court 1703 (from: Punjab and Haryana)*, State of Punjab and Ors. Vs Ram Lubhaya Bagga etc. Constitution of India, "Art 16-Govt. employee -

[Signature]

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(10)

Medical reimbursement -New Govt. policy allowing Govt. employees to undertake treatment in any private hospital though reimbursement could be allowed as per rates fixed by Director, Health and Family Welfare, State Govt.- List of designated hospital deleted _ Ex post facto sanction can be obtained from Board for reimbursement. When Government forms its policy, it is based on number of circumstances on facts, law including constraints based on its resources. It is also based on expert opinion. It would be dangerous if Court is asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out on affidavits. The court would dissuade itself from entering into this realm which belongs to the executive. Further, no State of any country can have unlimited resources to spend on any of its project. That is why it only approves its project to the extent it is feasible. The same holds good for providing medical facilities cannot be unlimited.

On the strength of this judgment of Hon'ble Supreme Court the respondent has pleaded that they have reimbursed the applicant in accordance with the instructions of the Govt and applicant is not entitled to any more amount.

In view of the judgment of Hon'ble Supreme Court, I also find that applicant had been adequately re-imbursed. He is not entitled to any more amount. OA does not call for any interference. Hence dismissed. No costs.

mahesh


(Kuldip Singh)
Member(J)