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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2218/2000

New Delhi, this 22nd day of May, 2001

Hon'ble Shri M.P.Singh, Member(A)

S.T. Chopra
J-8/74, Rajouri Garden, New Delhi .. Applicant

(By Shri S.L.Lakhan Pal, Advocate)

versus

Union of India, through

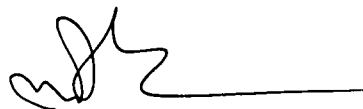
1. Secretary
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi
2. Director/CGHS
Nirman Bhavan, New Delhi .. Respondents

(By Shri Madhav Panickar, Advocate)

ORDER (oral)

Applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 26.9.2000 issued by the CMO(CGHS) regarding discrepancies in settlement of reimbursement claim for the medical expenses incurred by him.

2. The applicant is a retired Central Government employee and is a CGHS beneficiary. He has been issued a CGHS card for whole life by the CGHS authorities. On 3.4.2000, the applicant felt severe giddiness and was unable to stand on his own. He was taken to Escorts Hospital in grave emergency on 12.4.2000. He was operated for left carotid endarterectomy on 17.4.2000 and discharged on 22.4.2000. The hospital authorities gave a bill to the applicant for medical treatment to the tune of Rs.1,24,300. He claimed reimbursement of medical expenses from the respondents who paid him an amount of Rs.39,325/-. Since the respondents have not



made full reimbursement of the bill, he has filed this OA seeking direction to the respondents to reimburse the actual medical expenses incurred by him in Escorts Hospital amounting to Rs.1,24,300, out of which only an amount of Rs.39,325/- has been paid, with 18% interest thereon.

3. The respondents in their reply have stated that the admissible amount as per CGHS approved rates for treatment in private recognised hospital in Delhi was paid to the applicant. According to them, as per existing rules there is no provision under which full reimbursement could be made to the applicant. Respondents have also stated that an amount of Rs.2500 was also paid to the applicant on 23.11.2000 which could not be paid earlier due to oversight. In view of the aforesaid submission, the OA be dismissed.

4. Heard the rival contentions of the contesting parties and perused the records.

5. During the course of the arguments, learned counsel for the applicant drew my attention to the judgement of this Tribunal dated 6.12.2000 in OA No.1922/99. He submitted that the present OA is also squarely covered by the decision of the Tribunal in the aforesaid OA. He also submitted that the similar directions, as given in the aforesaid OA, be given in the present OA.




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6. Learned counsel for the respondents agrees and submits that he has no objection.

7. After hearing the learned counsel for both parties and perusing the records, I am of the view that the present OA is covered by the judgement dated 6.12.2000(supra). Accordingly, the respondents are directed to obtain the comments of the Heads of Departments and have the matter reconsidered with respect to the claim of the applicant for medical reimbursement for the treatment he has undertaken in Escorts Hospital. They shall pass a reasoned and speaking order with intimation to the applicant within a period of six months from the date of receipt of a copy of this order. It may be noted that the decision taken by the respondents based on the comments of the concerned doctors shall be treated as final and binding on the applicant.

8. The OA is disposed of as aforesaid. No costs.


(M.P. Singh)
Member(A)

/gtv/