

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2338 of 2000

New Delhi, this the 7th day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Shri K.C. Gupta,  
R/o 40, Shalimar Park, Bhola Nath Nagar,  
Shahdara, Delhi-110032.  
(By Advocate: Shri S.C. Jain)

-APPLICANT

Versus

1. Lt. Governor, Govt. of NCT, Delhi  
Through Chief Secretary Govt. of NCT,  
5, Sham Nath Marg, Delhi.
2. Director of Education Govt. of NCT  
Old Sectt., Delhi.
3. Principal B.R. Sarvodaya Bal Vidyalaya  
Shahdara, Delhi-110032.  
(By Advocate: Shri George Paracken)

RESPONDENTS

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This OA has been filed by the applicant claiming reimbursement of expenses incurred by him for treatment at private hospital. It is alleged by the applicant has retired from the post of Principal, B.R. Govt. Sarvodaya Bal Vidyalaya, Shahdara, Delhi. Thereafter he became member of Delhi Govt. Medical Scheme for pensioners after making full contribution towards the scheme. All of a sudden, on 3.11.1998 he was admitted in Shanti Mukund Hospital, Shahdara because of bleeding started passing through the urine and he became unconscious and was discharged from the hospital on 5.11.98 but again blood started to pass through his urine, so he was admitted in Tirath Ram Shah Hospital, Delhi as an emergent case on 9.11.98 and had to undergo emergency TRUP in the hospital. Thereafter he produced original documents as per Delhi Medical Scheme for pensioners but his application was rejected vide (Annexure A-1) on the following grounds:-

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2. "Medical treatmet does not mention about urinary retention or catheterisation, hence seems to be no acute emergency of treatment of the prostate enlargement"

(11)

3. Aggrieved from this, applicant has filed this OA, challenging rejection on various grounds as enshrined in paragraph 5 of the OA.

4. The case was referred to Directorate of Health Service. The remark that "as the medical treatment does not mention about Urinary retention or Catheterisation there seems to be no acute emergency of treatment of the Prostate Enlargement."

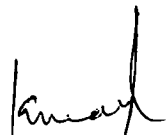
5. I have heard the counsel for the parties and going through the records.

6. I find that as as short question in case relates to a person suffering from Urinary retention is entitled to claim Medical reimbursement or not. The learned counsel submits that passing blood through retention of urine is an emergent case and as applicant had become unconscious, he was admitted in Shanti Mukand Hospital Shahdara and having hemautria, remained there for treatment, so it appears that the Department vide his application claiming Medical reimbursement had not even perused the certificates issued by the doctors whereby he was operated in emergency condition.

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7. I think that this OA can be disposed of with a direction to the respondents to consider the case of the applicant on the basis of certificates issued by the doctors which are annexed with Annexure A-5 & 6 and A-9 & 10 and pass a reasoned and speaking order with regard to the case, in case it is found to be an emergency case requiring an emergent treatment the applicant be reimbursed the amount due in accordance with the Delhi Medical Health Scheme Rules within a period of two months from the date of receipt of a copy of this order. No costs.

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( KULDIP SINGH )  
( MEMBER(JUDL) )

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