

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2343 of 2000

New Delhi, this the 25th day of May, 2001

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

Shri Jagdish Lal Bhatia
S/o Late Shri Karam Chand Bhatia
Aged 67 years
Retired Private Secretary,
Ministry of Finance,
Department of Revenue,
Parliament Street, New Delhi
R/o F-32, Venus Apartment, Plot No. 43,
Sector-IX Rohini,
New Delhi.

-APPLICANT

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through
Secretary, Ministry of Health &
family Welfare, Government of India,
Nirman Bhawan, New Delhi.
2. The Director (CGHS),
Ministry of Health & Family Welfare,
Government of India,
Nirman Bhawan,
New Delhi.
3. The Secretary,
Ministry of Finance,
Department of Revenue,
Parliament Street,
New Delhi-11 001

-RESPONDENTS

(By Advocates: Sh.Madhav Panikar, Counsel for respondent
Nos. 1 and 2.

Shri V.P. Uppal, Counsel for respondent
No.3)

O R D E R(ORAL)

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

This OA has been filed by the applicant under
Section 19 of the Administrative Tribunal's Act, 1985
whereby he is alleging inaction on the part of the
respondents in the matter of reimbursement of medical
claim of expenditure incurred in connection with the
treatment of his wife who had been taken to the hospital

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by the applicant when she was ill in connection with a case of MVR disease.

2. It is stated that the patient was admitted to the Escorts Heart Institute & Research Centre, New Delhi (hereinafter referred to as EHIRC) on 24.9.99 for Coronary Artery By-pass Graft Surgery which was taken on 1.10.1999. The applicant alleges that he had spent Rs.2,33,950/- and after deduction of subsidy of Rs.18,950/- the net bill came to Rs.2,15,000/-, as such he is claiming Rs.2,15,000/-. Out of this amount, the applicant was directed to deposit an advance money amounting to Rs.1,04,400/- which the applicant had deposited. Thus the total amount of Rs.1,04,000/- was paid by the applicant and Rs.1,11,000/- became net payable to the EHIRC for which the applicant submitted a bill claiming reimbursement of Rs.1,04,000/- and had submitted a bill claiming the aforesaid amount but was paid only Rs.5,765/- and balance amount is awaiting reimbursement.

3. The applicant also claims that after by-pass surgery the patient had developed certain complications so she had remained in the hospital for 7 more days beyond the permissible period. For those 7 days period, applicant had incurred minor expenses in addition to the regular claim which has not been reimbursed to the applicant so far.



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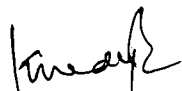
4. The respondents in their reply have submitted that they have reimbursed to the applicant as per the package deal and the amount was reimbursed in accordance with the OM issued by the authorities and the amount has been calculated in accordance with the package deal and the same package deal has been reproduced at page 4 of the counter-affidavit. However, it is admitted that the department had not taken any decision with regard to the overstay of the applicant's wife in the hospital where she had to remain as per the medical advice nor any reimbursement has been made to the applicant with regard to the amount spent on medical expenses during the prolonged stay in the EHIRC. The details of this amount has also been submitted at pages 24A, B, C, D and Annexure A-9 along with the rejoinder and break-up of the room rent is also given in Annexure A-9.

5. Since no decision has been taken by the department with regard to the reimbursement of the overstay of the applicant's wife in EHIRC and with regard to the manner how the expenses were incurred by the applicant during this period, so this OA can be disposed of at this stage with a direction to the respondents to take a decision with regard to the expenses incurred by the applicant for the treatment of his wife for which she was compelled to stay at EHIRC under the medical advice. It is an admitted case of the parties that the applicant's wife was admitted to EHIRC after having been referred by the Dr.R.M.L. Hospital but still payments have not been made. I am unable to understand as to why the department has not taken any decision with regard to the medical expenses incurred by the applicant on the

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treatment of/ his wife for which she was compelled to overstay beyond the period of package deal as per the medical advice. So the respondents are directed to take a decision with regard to the overstay and the medical expenses incurred by the applicant and while taking the decision the bills submitted by the applicant which are annexed at pages 25A,B,C,D and Annexure A-9 may also be taken into consideration. Decision be taken within a period of 2 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

Rakesh