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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO.2723/2004.

New Delhi, this the 5th day of April, 2005

HON'BLE MR. S.K. MALHOTRA, MEMBER (A)

Shri Surender Kumar Ahi,
S/o Late Shri Jagannath,
R/o 104, Narain Nagar,
Laxmi Nagar Extn.,
Delhi – 110 092

... **Applicant**

(By Advocate: Shri S.D. Singh)

Versus

1. Union of India,
Ministry of Communication & Information Technology,
Department of Posts, New Delhi
2. Chief Engineer (Civil),
N.E. Zone, Department of Posts,
Dak Bhawan, New Delhi
3. Shri Shiv Prakash,
Asstt. Engineer (Admn.),
O/o Chief Engineer (Civil),
N.E. Zone, New Delhi-110 001
4. Indraprashta Medical Corp. Ltd.,
Through its Director,
(Indraprashta Apollo Hospital),
New Delhi – A Joint Sector Venture
Of Govt. of Delhi),
Sarita Vihar, Delhi-Mathura Road,
New Delhi – 110 044.

... **Respondents**

(By Advocate : Shri Nasir Ahmed)

ORDER

This OA has been filed by the applicant with the request to direct the respondents to provide credit facilities to him by making the payment to the hospital (respondent No.4 Indraprashta Apollo Hospital) on raising the bills by respondent No.4 to the respondents Nos. 1 to 3 directly and for reimbursement of the balance amount of Rs.7,14,530/- to the applicant on account of payment made by him to the hospital on the treatment of his wife, who is admitted in the above hospital.

2. The facts of the case in brief are that the applicant is an employee of the Central Government Department (Department of Posts), holding a CGHS card and is entitled to

CGHS medical facilities. His wife Smt. Parvesh Kumari fell seriously ill as she suffered the ailment known as "Hypoxic Ischemia Ence Phalopathy" and on account of emergency, she was admitted in Apollo Hospital on 24.1.2004. She is still in critical condition and is in ICU. Apollo is one of the empanelled hospitals where the applicant's wife is entitled for treatment. According to him, the respondent Department are under an obligation to bear all the medical expenses for the treatment of his wife, under the rules. As per OM dated 7.9.2001 issued by Ministry of Health and Family Welfare, (Annexure A-2), the applicant is entitled to get the benefit of private ward in the above hospital for his wife and is entitled to reimbursement of the expenditure incurred by him in making payment of the bills of the hospital. It is contended that there is no financial limit for the reimbursement of medical claim in respect of the treatment in the hospital. It is alleged that despite the above instructions, the respondents have not reimbursed the full amount of the expenditure incurred by him on medical bills of the hospital. He has also been approaching the respondent Department to make direct payment to the Hospital but even this request has not been acceded to and the applicant is under heavy debt. According to him, against the running bills to the extent of Rs.13,28,710/-, the amount reimbursed to him was Rs.5,86,959/- till September, 2004 and a huge amount of more than Rs.7 lacs is still outstanding, despite several requests made by him for reimbursement of the amount. On the other hand, the respondent Department have issued a letter dated 20.9.2004 to him (Annexure A-50) in which it has been stated that as a result of the meeting the departmental representative had with the Doctor treating his wife, it is stated that the condition of his wife is stable and keeping his wife in the hospital is not likely to be beneficial. She can, therefore, be taken home or transferred to some other Govt. Hospital like AIIMS, RMLH or GB Pant. It was also mentioned in this letter that the respondent Department would not be entertaining any bills from Apollo Hospital after 25.9.2004. On 24.1.2005, the Apollo Hospital also issued a letter stating that the patient's family has been advised to shift out the patient

to a secondary care hospital, as she can be managed there, without compromising on the medical care. They offered to shift the patient in their ambulance with the necessary facilities to any hospital where she can be managed.

3. Respondents have filed a detailed reply in which they have stated that they have paid a sum of Rs.5,86,959/- till date to the applicant as per CGHS Rules. The remaining amount of Rs.3,59,082/- has been passed for payment but payment could not be made due to utilization of entire fund under the relevant head. Further, it is stated that under rules, medical claims are restricted to package deal rates and not all expenditure incurred towards treatment is admissible.

4. When the case had come for the preliminary hearing, the counsel for the respondent no.4 (Indraprastha Apollo Hospital) stated that although their bills have not been paid, they would continue the treatment of the patient but their advice was that the patient can be shifted to any other secondary care Government hospital without compromising on the medical care. The counsel for the respondents department was also of the view that the treatment of the patient can be managed in AIIMS or Dr. Ram Manohar Lohia Hospital and it would not be necessary for her to be continued in the Apollo Hospital.

5. After hearing both the counsel and also the applicant who was present in person, it was agreed by the applicant that he was ready to shift the patient to AIIMS provided the entire amount of balance reimbursement due to him may be made within reasonable time. He also mentioned that he is going to retire on superannuation on 31.3.2005 and as such he would not be in a position to incur a huge amount of medical expenses on his wife. In order to meet the situation, it would be necessary for the respondents department to directly make payment of the bills of AIIMS after the patient is admitted there.

6. Taking into consideration the facts and circumstances of the case, I am of the view that the respondents department should reimburse the applicant the balance

amount of expenditure incurred by him on the treatment of his wife within a month. Simultaneously respondents department should arrange the admission of the patient in AIIMS by taking help of Ministry of Health and Family Welfare, if considered necessary. The respondent no.4 (Indraprastha Apollo Hospital) will ensure that the patient is shifted to AIIMS in their Ambulance with necessary facilities after she gets admission so that the patient and his family are not put to any inconvenience. After admission in AIIMS, the bills raised by AIIMS for the treatment of the patient would be paid directly by the department concerned as admissible under the Rules so that the applicant has not to incur as such expenditure from his meagre pension.

7. As a result, the OA is disposed of with the following directions :

- i) The respondents department shall reimburse the balance amount of the medical expenses incurred by the applicant on the treatment of his wife till she is discharged from Indraprastha Apollo Hospital, within a period of three months from the date a copy of this order is received by them.
- ii) Necessary arrangements will be made by the respondents with the assistance of Ministry of Health and Family Welfare, if necessary to get the patient admitted in AIIMS within a period of one month from the date a copy of this order is received by them. For this purpose all necessary facilities including Ambulance will be provided by respondent no.4 (Indraprastha Apollo Hospital).
- iii) After the admission of the patient in AIIMS, the medical bills will be raised by AIIMS directly to the department concerned for making necessary payment directly to the hospital, as admissible under the Rules.

No order as to costs.

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(S.K. Malhotra)
Member (A)

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