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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP NO. 232/2007  
IN  
OA 2723/2004**

**New Delhi this the 14<sup>th</sup> day of May, 2008**

**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)**  
**Hon'ble Mrs. Veena Chhotray, 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 and Shri Rahul Kumar Singh)

Versus

1. Union of India, through  
Secretary Mr. I.M.G. Khan,  
Ministry of Communication and  
Information Technology,  
Department of Posts,  
New Delhi.

2. Mr. N.K. Tyagi,  
Chief Engineer (Civil),  
N.E. Zone, Department of Posts,  
Dak Bhawan,  
New Delhi.

3. Shri Mohan Lal,  
Asstt. Engineer (Admn.),  
O/o Chief Engineer,  
N.E. Zone,  
New Delhi- 110 001

... Respondents

(By Advocate Shri H.K. Gangwani )

**O R D E R**

**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J).**

The applicant was an Executive Engineer of P&T, and is covered under the Central Government Health Scheme. He has now retired. His wife had been admitted in a private Hospital (Apollo Hospital), on 24.01.2004 and was under prolonged treatment. At one point of time, it

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seems, the hospital had suggested that it may not be necessary for her to continue in the hospital, as there was no response to treatment, the advice was to take her back home or transfer to certain other Government hospitals.

2. The Department in the above background had issued a letter to applicant on 20.09.2004 that they will not be entertaining any bills from the Apollo Hospital after 25.09.2004 and the patient could be taken to a Government hospital. Apollo Hospital themselves on 24.01.2005 had again issued a similar letter; perhaps they did not feel justified in issuing hefty bills. The proceedings of the Department had, however, been challenged.

3. The respondents had taken a stand that they were prepared to meet the private bills of Rs.19,92,459/- being payment upto date, but it was necessary that the patient be discharged. Taking notice of the totality of the circumstances, on 5.4.2005, pending OA 2723/2004 had been disposed of with certain directions. The Department was to pay the bills, and steps were to be taken to admit the patient to a Government hospital and thereafter the bills were required to be raised by the Hospital to the Department concerned for direct payment.

4. A review petition filed by the Department seeking modifications had been dismissed.

5. Applicant submits that the orders had not been appropriately obeyed. A balance bill amount of Rs.1,41,820/- was remaining unpaid. Legal notice had been issued. It had been replied. It was in that context that he had filed CP 232/2007 suggesting that respondents (departmental officials) be prosecuted and punished for contempt of

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court. Appropriate directions were solicited to be issued to the authorities to shift the applicant's wife to a private ward/nursing home. Prayer was there to clear all the bills and bear the expenses of the medical treatment incurred by the patient.


6. The claim had been resisted on a plea that it was hit by limitation. It has also been submitted that the amounts actually payable, namely, Rs.61,799/- had been paid on 01.08.2007. It had also been indicated that steps had been taken by the Department requesting the AIIMS to provide indoor treatment to the applicant's wife but they had been informed that patient was kept in General Ward, as she required assisted ventilation support, regular suction facilities and close nursing observation. This was in the interest of her clinical condition, as assessed by them. Better management would have been possible in the general ward and it was not advisable to shift her to private ward.

7. With reference to the claim of Rs.1,41,820/-, it is submitted that the applicant was entitled to benefits under the CGHS Scheme and the amount, as claimed was an amount of medicines/items, which are not admissible as per the rules. We note that additional affidavits had been filed by the parties but the issue substantially is whether there is necessity or justification for invoking proceedings under the Contempt of Courts Act.

8. From the facts presented, it cannot be spelt out that there is violation of the orders requiring intervention at our hands. The reimbursement of expenditure incurred for medical treatment is on the basis of rules, and, therefore, the direction issued on 5.4.2005 can be treated only as a direction for reimbursement of balance of medical expenditures incurred which could have been possible to be reimbursed.

The readmission in AIIMS and consequential steps for treatment has been done appropriately and the circumstances that AIIMS had not raised bills directly to the Department concerned cannot come within the purview of the present application. Respondents have taken definite stand that Rs.19,92,459/- had been paid over. When the total claims of Rs.21,34,275/- included sums, which were inadmissible, it may not be possible for us to doubt the justifiability of the discretion exercised presumably which was available under the rules. The statement of the applicant in the rejoinder that "the respondents cannot be justified to deduct a single penny from the bills submitted to the respondents" may not be a correct statement of facts.

9. Resultantly, application is dismissed. Notices to the respondents are discharged.

  
**(Mrs. Veena Chhotray)**  
**Member (A)**

  
**(M. Ramachandran)**  
**Vice Chairman (J)**

'SRD'