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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2715/93.

New Delhi, this the 10th day of June, 1994.

SHRI J.P. SHARMA, MEMBER(J).

Shri S.I. Vadhera,
C/7-71, East of Kailash,
New Delhi.

...Applicant

By advocate : Shri V.K.Rao.

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Health and Family Welfare, Nirman Bhawan,
New Delhi.
2. Chief Medical Officer (R&H),
Ministry of Health, Nirman Bhawan,
New Delhi. ...Respondents

By advocate : Mrs. Raj Kumari Chopra, though not present.

Departmental representative Shri J.R.Mehra, UDC, present.

ORDER

The applicant is a pensioner of Central Government and residing in East of Kailash, New Delhi is entitled to free medical treatment and has been issued CGHS card no.411511 and entitled to the nursing home government hospital service and treatment. The applicant on 21.9.91 got himself admitted in Seth Nursing Home, South Extension Part-II and got him treated privately for some diabetic ailment. He has incurred certain expenses and filed total claim for Rs.22,476.35p. and submitted the same to the Ministry of Health and Family Welfare but that was turned down by the Chief Medical Officer, Central Government Health Scheme on the ground that he has taken the treatment from unrecognised hospital and emergency circumstance was not established. The same information was given by another letter

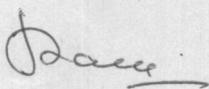
dated 30.11.92. The Secretary-General, Central Government Pensioners' Association was also informed in the same manner by the letter dated 27.7.93. Aggrieved by the same, the applicant filed the present application in October, 1993. The respondents on notice opposed the grant of the relief on the ground that there was hardly any necessity for the applicant for getting the treatment from the private nursing home. The Seth Nursing /Institute of Home is hardly half kilometer from All India/Medical Sciences Hospital and Safdarjung Hospital and if the applicant can go to Seth Nursing Home, then there was no reason for him why he did not get the treatment from the aforesaid well-reputed government hospitals. The applicant's claim, therefore, cannot be accepted.

2. The applicant has also filed rejoinder reiterating the same facts.

3. I heard the learned counsel for the applicant Shri V.K. Rao and Shri J.R.Mehra, UDC, departmental representative. In fact, if the applicant has got himself treated in a private nursing home, he did this at his own risk. In a place like Delhi, the facilities of treatment was available to the applicant besides in the CGHS dispensary in All India Institute of Medical Sciences Hospital, Safdarjung Hospital, Ram Manohar Lohia Hospital and other well-reputed government added hospitals and nursing home. The main reason given by the learned counsel is that the applicant was in a serious condition and as such he has to be shifted to the nursing home. Seth Nursing Home is also not a special decease hospital. Better facilities are available in All India Institute of Medical Sciences Hospital and equally good in the Safdarjung Hospital which are nearest to the place of residence of the applicant in East of Kailash. Both South Extension Part II and the Government hospital aforesaid are

equi-distant to the residence of the applicant as compared to the nursing home. The learned counsel for the applicant could not show any rule under which the respondents can be directed to consider the reimbursement of the claim of the applicant. In cases of serious accidents or illness, an employee or a member of his family may be admitted in emergent treatment in the nursing private hospital in the absence of a government or a recognised hospital near than the private hospital. In such cases, the reimbursement of expenditure may be allowed by the head of the departments as defined in rule 3(1)(f) of Delegation of Financial Power Rules, subject to the certain guidelines - the question whether it was a real emergency necessitating admission in a private institution could be decided on merits of the controlling authorities. Medical expenses incurred in a private hospital are reimburseable in treatment in private clinics/nursing homes are not reimburseable. The private hospital is one run by a society, trust or any other suitable organisation generally run on 'no profit no loss' basis. If the government servant is covered by the Central Government Health Scheme, clearance from the Deputy Director/ Chief Medical Officer of the Central Government Health Scheme organisation should be obtained. The applicant does not fulfil any of these conditions and, therefore, the respondents have rightly refused the reimbursement of the medical claim preferred by the applicant.

4. The application is devoid of merit and, therefore, dismissed, leaving the parties to bear their own costs.


(J.P. SHARMA)

MEMBER(J)

'KALRA'