

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.46/07

Monday this the 17th day of March 2008

C O R A M :

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

Lalji P.B.,
S/o.B.R.Bhaskaran,
Assistant Engineer,
All India Radio, Calicut.
Residing at Lake View Apartment,
No.V/2005-C, Kaimpana Palam Junction,
Eranhipalam P.O., Calicut.Applicant

(By Advocate Mr.K.Ramesh)

Versus

1. Union of India represented by its Secretary,
Ministry of Information & Broadcasting,
New Delhi.
2. Prasar Bharathi (Broad Casting Corporation of India)
All India Radio, Parliament Street,
New Delhi – 110 001.
Represented by its Director General.
3. Station Director,
Prasar Bharathi (Broad Casting Corporation of India)
All India Radio, Calicut.
4. Station Engineer,
Prasar Bharathi (Broad Casting Corporation of India)
All India Radio, Calicut.
5. Director General,
Office of the Directorate General,
All India Radio, New Delhi.Respondents

(By Advocate Mr.P.A.Aziz,ACGSC)

.2.

This application having been heard on 17th March 2008 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

When the matter came up for hearing, there is no representation on behalf of the counsel for the applicant nor the applicant is present in person. In view of the above, the application is dismissed for default.

(Dated this the 17th day of March 2008)


(M.RAMACHANDRAN)
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 46 OF 2007

Dated the 3rd December, 2008

CORAM:-

HON'BLE Dr. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

Lalji PB
S/o BR Bhaskaran,
Assistant Engineer,
All India Radio, Calicut,
Residing at Lake View Apartment,
No.V/2005-C, Kaimpana Palam Junction,
Eranhipalam PO, Calicut.

.. Applicant

[By Advocate: Mr Sreeraj for Mr Vinod Chandran K.]

-Versus-

1. Union of India,
Represented by its Secretary,
Ministry of Information & Broadcasting,
New Delhi.
2. Prasar Bharathi (Broadcasting Corporation of India)
All India Radio, Parliament Street,
New Delhi-110 001.
Represented by its Director General.
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Prasar Bharathi (Broad casting Corporation of India)
All India Radio, Calicut.
4. Station Engineer,
Prasar Bharathi (Broadcasting Corporation of India)
All India Radio, Calicut.
5. Director General,
Office of the Directorate General,
All India Radio, New Delhi.

.. Respondents

[By Advocates: Mr PA Aziz, ACGSC]

This application having been heard on 22nd October, 2008 the Tribunal delivered the following -

ORDER

The applicant is working as an Asst. Engineer in the Prasar Bharati at Calicut Station. While travelling from Calicut to Quilon on 26.7.2005 he developed severe chest pain at Karunagapally. He immediately got himself checked at the Government Hospital Karunagapally. The Karunagapally government hospital referred him to the Amrita Institute of Medical Science at Kochi. He was admitted in the Amrita Institute of Medical Sciences on 29th January 2005 for Coronary angiogram and underwent the Coronary Balloon Angioplasty (PTCA). Two medicated Taxus Stents were used in the procedure. He incurred an expenditure of Rs.238825 at the Amrita Institute (A/3 and A/4). The applicant submitted the necessary documents for re-imbursement of the expenditure. But he was paid only Rs.195269. The applicant is aggrieved by the reduction in the amount claimed by him. He has sought the following relief:

"[i] To declare that the applicant is entitled to be sanctioned the full claim submitted as per Annexure-A3 and Annexure-A4 for reimbursement of medical expenses in accordance with Central Service (Medical Attendance) Rules.

[ii] To direct the respondents to reimburse the entire medical expenses for the applicants treatment at Amritha Institute of Medical Sciences and Search Centre, as evidenced by the bills issued by the hospital and enclosed alongwith Annexures -A3 and A4."

[2] It is the contention of the applicant that Amrita Institute is recognised for reimbursement of expenditure incurred for treatment of heart disorders. As per A/6 letter dated 19.12.2001 issued by the Ministry of Health and Family Welfare addressed to the Amrita Institute, he is entitled to full reimbursement of actual expenditure. Except for Stress Thalium test, for every other procedure the schedule of charges will be as proposed by the Institute.

[3] The respondents have resisted the prayers. It is contended in the reply statement that as per the letter dated 28th March 2000 (A/5) from the Ministry of Health and Family Welfare, in respect of recognised hospitals reimbursement of expenditure will be at the rates fixed by the Government under CGHS Rules/CSMA Rules 1944 or the actual expenditure whichever is less. Amrita Institute is a recognised hospital for Cardiology medical facilities, but it is necessary for that Institute to have a Schedule of approved charges for imparting treatment to Central Government employees under CSMA Rules. The Institute was requested to provide the schedule of approved charges. As there was delay in getting a response from the Institute, the claim was processed in accordance with the maximum rates applicable for CGHS beneficiaries and an amount of Rs.195269 was paid to the applicant. Subsequently a response was received from the Institute in February 2007. However the list of rates sent by the Institute did not contain the charges for coronary stent. Therefore the rate for coronary stent was restricted to the rates prescribed for CGHS beneficiaries.

[4] I have heard the learned counsel for the applicant Shri Sreeraj and the learned counsel for the respondents Shri P.A.Aziz. I have also carefully perused the documents on record.

[5] The issue for consideration is whether the applicant is entitled to reimbursement of full expenses incurred by him for cardiology related treatment at the Amrita Institute. It is not disputed that Amrita Institute is a recognised hospital for availing medical facilities in Cardiology Department. It is also seen from the record that applicant had to seek emergency medical attention and there was no possibility of getting prior approval. However on 28th July 2005 itself the applicant addressed a letter to the respondents explaining the emergency and seeking approval. (A/2). The applicant submitted a total claim of Rs.238825 incurred by him at the Amrita Institute, but the respondents restricted the reimbursement to



Rs.195269 on the ground that the schedule of rates submitted by the Institute did not contain the rates for coronary stent. The cost of two stents charged by the Amrita Institute is Rs.183055 whereas as per the rates prescribed for CGHS beneficiaries in OM dated 19.9.2007 it is Rs.60000 per stent (Rs.120,000 for two stents) (R/2). This limit was revised to Rs.80,000 per stent by OM dated 1.8.2005. However the applicant underwent the procedure in the last week of July 2005. Be that as it may, the issue is not whether the old rate of Rs.60,000 or the new rate of Rs.80,000 is to be applied. The issue is whether the applicant is entitled to full reimbursement in accordance with A/6 letter dated 19.12.2001 addressed to the Amrita Institute. The said letter is extracted below:

"F.No.5.14021/10/99-MS
 Government of India
 Ministry of Health and Family Welfare
 (Department of Health)

Nirman Bhawan, New Delhi
 Dated the 19th Dec. 2001

To

Shri A.P.S. Krishnan,
 Vice President,
 Amrita Institute of Medical Sciences and Research Centre,
 Amrita Lane, Elamakkara PO,
 Kochi-682 026.

Sub: Recognition of Amrita Institute of Medical Science,
 Edappally, Kochi, Kerala under CS (MA) Rules, 1944.

Sir,

I am directed to refer to your application dated 25.9.2000 forward by the Director of Health Services, Kerala on the subject mentioned above and to say that the same has been got examined in consultation with Dte. GHS. It is observed that your institute has already been recognised by the State Government of Kerala for Cardiology and Cardiovascular Surgery. Under OM No.5.14025/7/2000-MS dated 128.3.2000 (copy enclosed) of this Ministry the Central Government employees and members of their families have been permitted to avail of medical facilities in any of the Central Government Hospitals and hospitals recognised by the State Governments/CHSC/CS(MA) Rules, 1944. There is therefore, no need to separately recognise your Institute under CS (MA) Rules, 1944 for the purpose of medical treatment of Central Government employees covered under CS (MA) Rules in respect of the procedures for which



it has already been recognised by Government of Kerala. The schedule of charges for the purpose of the procedure/Investigation will be as per the rate proposed by the Institute except for that of the Stress Thallium Test. In respect of this Test the Institute is requested to kindly agree to the ceiling limit prescribed under CS (MA) Rules, i.e. Rs. 6000/- failing which this Test will not be included in the list of procedures approved under CS (MA) Rules, 1944.

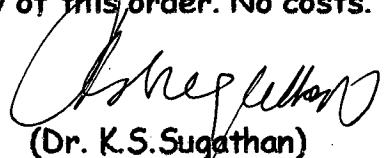
In so far as the request of the Institute of recognition for general purposes is concerned, the matter is till under consideration and the decision taken will be intimated in due course.

Yours faithfully,

Sd/- SB Bhattacharjee,
Deputy Secretary to the Govt of India"

[6] It is evident from the above extract that in the case of the Amrita Institute the schedule of charges will be as per rates proposed by the Institute except for Stress Thalium test. The Institute has charged a certain amount for the coronary stent from the applicant. The amount charged by the Institute should be construed as the rate proposed by the Institute, in the absence of the item being mentioned in the list of rates sent by the Institute to the respondent in response to their letter. Evidently the condition stipulated in the general letter dated 28.3.2000 that reimbursement will be restricted to CGHS rates or the actual expenditure, whichever is less, is not applicable to the Amrita Institute. There is nothing on record to indicate that the special dispensation accorded to the Amrita Institute has been modified subsequently.

[7] For the reasons stated above the OA is allowed. The respondents are directed to reimburse the balance amount of the claim to the applicant within a period of three months of receipt of copy of this order. No costs.


(Dr. K.S. Sugathan)
ADMINISTRATIVE MEMBER