

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

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Original Application No. 495 of 1991 (L).

Dr. S.K. Tandon ..... Applicant.

V E R S U S

Union of India & Others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

( By Hon'ble Mr. K. Obayya, Member (A) )

The applicant is a senior Assistant Director (Scientist E-II) in the Industrial Tax - icology Research Centre (I.T.R.C.), Lucknow. His grievance is that Medical reimbursement bill submitted by him for Rs. 6000/- was only allowed in part and not for full amount.

2. According to the applicant he had an attack of "Stroke" in the year 1989 and was hospitalised in King Georges Medical College and Associate hospitals. He was discharged from the hospital after some recovery, but advised to take Physio-therapy treatment at his residence. He engaged the services of an attendant from Rehabilitation clinic Laxmanpur, Lucknow and received treatment for 4 months. He paid Rs. 6000/- towards the charges of the attendant and preferred a reimbursement claim for the amount. The claim was allowed for Rs. 1800/- only and for the balance amount, he has been informed that he is not entitled.

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Aggrieved, he has approached the Tribunal with a prayer that the impugned orders dated 6.2.1990 and 15.5.1991 rejecting his claim be set aside and the respondents be directed to pay full Medical reimbursement of Rs. 6000/- together with interest at 19%. The contention of the applicant is that he is entitled for the amount claimed by him under the Central Service Medical Attendant Rules 1944.

3. The respondents have opposed the case and in their counter it is stated, that Medical reimbursement is admissible under certain conditions and at prescribed rates, as per rules, for treatment in Government and recognised hospitals. In Lucknow two hospitals namely Fatima hospital and Vivekanand Polyclinic are recognised, besides Government hospitals for Physiotherapy treatment. But the applicant received treatment in a private hospital, which is not a recognised hospital. It is also pointed out that for treatment at residence there should be a certificate of non-availability of accommodation in a Government/recognised hospital and also that the employee requires medical treatment. He produced no such certificates. Even then relaxation was made and the applicant was reimbursed the amount at approved rates i.e. Rs. 15 per day.

4. We have heard the counsel for the parties. Both sides relied upon the Central Service Medical Attendance, Rules 6 & 7. These rules lay down that a Government Servant is entitled to receive treatment at his residence under certain conditions subject to a certificate given in writing by the authorised

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medical attendant to the effect that the Government Servant is in need of treatment and since the facility of treatment is not available close by in a hospital, he may receive treatment at home. The claim for such treatment shall be accompanied by a certificate stating the reasons as to why government servant could not be treated in hospital and also the cost of similar treatment. Note-1 under this rule requires the medical attendant to certify that a government servant requires hospital treatment, but that no accommodation is available at the recognised hospital and in such case "fees" paid for medical treatment at the patients residence may be reimbursed to the extent of what would have been paid by the government had the treatment been received at the hospital. Note-2 under the rule further lays down that for purpose of calculating the sum admissible, the charges for accommodation and diet should be excluded and only charges for medical attendance, nursing, medicines including injectibles, dressing, should be taken into account. The respondents have also pointed out that under these rules the applicant is entitled for reimbursement of Medical claims as per the rates prescribed by the recognised hospital i.e. Vivekanand Poly-clinic Lucknow, and he was paid in full for the period he received treatment at his residence.

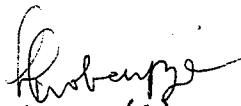
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5. On behalf of the applicant it was contended that he was entitled for the amount in as much as he joined the private nursing home as advised by the Doctor who treated him in K.G. Medical College and Associates Hospitals and that he has also obtained necessary certificate, in this regard inspite of this he was only sanctioned Rs. 1800/- as against the amount claimed by him.

6. The short question that is raised in this case is whether the applicant is entitled for full reimbursement claimed by him. The applicant has relied on the relevant rules and as we have seen earlier these rules speak of Medical Treatment at residence under certain conditions. The object of these rules appear to be that an employee should first utilise the facilities available in Government or recognised Hospitals, only where these facilities are not within the reach of employee due to reasons that there is no accommodation in such Government Hospital, and employee can receive treatment at his residence ~~that~~ <sup>to</sup> after a certificate of non-availability of accommodation in Government Hospital has been obtained from the medical authorities concerned. This rule ~~is~~ also lays down that only approved rates will be followed to determine reimbursement claim entitlement. In other words an employee may incur much more expenditure but he will be only reimbursed by the department ~~only~~ upto certain extent calculated on the basis of approved rates. The applicant's bill was for physio-therapy treatment. His representation was considered more than

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once and applicant was informed that whatever they could do was done and the applicant was not entitled for full reimbursement. Hence his claim was restricted. In these circumstances we do not see any violation of rule. In Government service, various allowances are regulated by rules and ~~the~~ only where the rules have not been applied that may call for our interference. The application is liable to be dismissed and accordingly it is dismissed. Parties to bear their own costs.

  
Member (A)

  
Vice Chairman

Lucknow, Dated 16<sup>th</sup> Dec 1992