

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA**

**O.A. No. 773/2005  
[ MA No. 55/06 & MA 92/07 ]**

**Date of order :** 31-8-07

**C O R A M**

**Hon'ble Mr. Amit Kushari, Member[A]**

Priya Nath Sinha, aged about 60 years, son of Shri Tribhuwan Nath (Retired on 31.01.2005, from the post of Senior Geologist, G.S.I., Patna). Resident of 13 Mangaldeep Apartment, Patliputra Colony, Patna.

**...Applicant.**

**By Advocate : Shri Rajesh Dayal.**

**Vs.**

1. The Union of India, through its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The Union of India, through its Secretary, Dept. of Mines, Govt. of India, Shastri Bhawan, New Delhi.
3. The Director General, Geological Survey of India, 27, J.L. Nehru Road, Kolkatta.
4. The Dy. Director General, Eastern Region, Geological Survey of India, Salt Lake. Karunmoyee Building, 3<sup>rd</sup> Floor, Kolkatta.
5. The Dy. Director General, Geologist Survey of India, Bhu-vigyan Bhawan, Lohia Nagar, Kankarbagh, Patna.

**..... Respondents.**

**By Advocate : Shri Amitav Pandey.**

**O R D E R**

**Mr. Amit Kushari, M[A]. :-** Shri Rajesh Dayal argued for the applicant and Shri Amitav Pandey argued for the respondents. Their arguments were heard and the pleadings were carefully perused.

2. The applicant was working as Senior Geologist, G.S.I., Patna. He



retired on 31.01.2005 and he was covered by the Central Govt. Health Service (CGHS in short ). In the year 1999, the applicant developed a serious heart problem and the Additional Director, CGHS, Patna referred him to Escorts Heart Institute, New Delhi permitting the applicant for treatment in this recognised private hospital as per his entitlement in view of his basic pay of Rs. 13,250/-. The Dy, Director, G.S.I., Patna made an estimate of the likely expenses at Escorts Heart Institute, New Delhi and allowed him 80% of that likely expenditure which was estimated at Rs. 2,09,700/-. A demand draft of Rs. 2,09,700/- was, therefore, handed over to the applicant in favour of Escorts Heart Institute, New Delhi , but the total bill of his treatment in the Escorts Heart Institute came to Rs.2,51,700/-. The balance amount of Rs. 42,000/- was paid by the applicant in cash to the Escorts Heart Institute. When the applicant returned to his office at Patna he was sanctioned a sum of Rs. 2,04,728/- and was asked to refund Rs. 4,972/- since he had already received an advance of Rs. 2,09,700/-. His case was thereafter forwarded to the office of the Dy. Director General, Eastern Region, G.S.I., Kolkatta ( Respondent no. 4). Ultimately his bill was settled for Rs. 1,92,587/- only. The office of the Dy. Director General, G.S.I., Kolkatta had based the calculation on approved rates as per a letter circular of the Ministry of Health and Family Welfare. These old rates have not been revised and so these rates are much lesser than the rates of Escorts Heart Institute which was fully recognised by CGHS and the Ministry of Health. The applicant was asked to refund Rs. 17,000/- and was told clearly that he will not get Rs. 42,000/- which he had paid from his own pocket to the Escorts Heart Institute as a final



settlement of his bills.

3. Shri Rajesh Dayal, learned counsel for the applicant drew my notice to a judgment by the Hon'ble Delhi High Court dated 05.04.2002 ( V.K. Gupta Vs. Union of India & Ors. Civil Writ No. 1305 of 2001) . This case is also about an exactly similarly placed applicant who was referred to Escorts Heart Institute by the CGHS, but full reimbursement was not given to him because of the non revision of old rates by the Ministry of Health. The Hon'ble Delhi High Court had clearly ordered that the petitioner was entitled to full reimbursement of expenses incurred at the Escorts Heart Institute, New Delhi where he was duly referred for specialised treatment by the respondents after according sanction and since Escorts Heart Institute is a recognised hospital for this purpose the petitioner was entitled to reimbursement of actual expenses as incurred. Shri Rajesh Dayal also drew my attention to the judgment of Hon'ble Supreme Court in the case of State of Punjab Vs. Mohinder Singh Chawla . The Hon'ble apex Court had said " the right to health is integral to right to life. The Govt. has a constitutional obligation to provide health facility if the Govt. servant has suffered an ailment which requires treatment at a specialised approved hospital and on reference, it is the duty of the State to bear the expenditure incurred by the Govt. servant. Expenditure thus incurred required to be reimbursed to the employees."

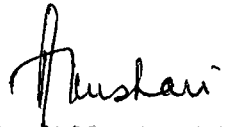
4. The learned counsel for the respondents points out that since



the Ministry of Health and Family Welfare have not revised the rates so far, in spite of the different Court pronouncements, the respondents were unable to make full payment to the applicant since they are in no position to revise the rates of reimbursement themselves.

5. I have carefully considered the arguments of both sides . It cannot be denied that the applicant was duly referred by the CGHS to the Escorts Heart Institute which is recognised by the Govt. of India as a hospital where Govt. employees are entitled to take specialised treatment. After having recommended the case to the specialised hospital, Govt. cannot say that they will not reimburse the full expenditure incurred just because the Ministry of Health has been slow in revising the rates to bring them at par with the rates of the recognised hospital. The respondents should have taken due note of the judicial pronouncements of Hon'ble Delhi High Court and Hon'ble Supreme Court of India.

6. In view of this, this OA is allowed. All the claims of the applicant should be settled by the respondents within a period of three months from the date of this judgment giving him benefit of 8% interest on the amount not yet paid to him. No costs. M.A. Nos. 55/06 & 92/07 also stands disposed of accordingly.

  
[ Amit Kushari ]  
Member(A)

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