

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 16.01.2014

CP No. 13/2013 (OA No. 631/2011) with
MA No. 377/2013

Mr. C.B. Sharma, counsel for petitioner.
Mr. Mukesh Agarwal, counsel for respondent nos. 1 to 4.
Mr. Gaurav Jain, counsel for respondent no. 5.


Heard.

The C.P. and M.A. are disposed of by a separate order
on the separate sheets for the reasons recorded therein.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

Kumawat


17/1/14

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Contempt Petition No. 13/2013 (OA No. 631/2011)
with
Misc. Application No. 377/2013

Date of Order: 16.01.2014

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Sarishti Pal Bhalla S/o late Shri Mela Ram Bhalla, aged about 74 years, R/o 6/151, SFS, Agarwal Farm, Mansarovar, Jaipur. Retired as Chief Accounts Officer (TA), Office of Principal General Manager, Telecom District, M.I. Road, Jaipur.

...Petitioner / Applicant

Mr. C.B. Sharma, counsel for petitioner.

VERSUS

1. Shri R. Chandra Shekhar, Secretary, Department of Telecommunication, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi – 110001.
2. Shri P.K. Pradhan, Secretary, Department of Health, Ministry of Health and Family Welfare, Government of India, Nirman Bhawan, New Delhi – 110001.
3. Shri R.D. Meena, Controller of Communication Accounts, Department of Telecommunications, Rajasthan Telecom Circle, Sanchar Lekha Bhawan, Jhalana Dungari, Jaipur – 302004.
4. Shri O.S. Beerwal, Chief Post Master General, Rajasthan Circle, Sardar Patel Marg, Jaipur – 302001.
5. Shri S.N. Singh, Principal General Manager, Telecom District (BSNL), M.I. Road, Jaipur – 302001.

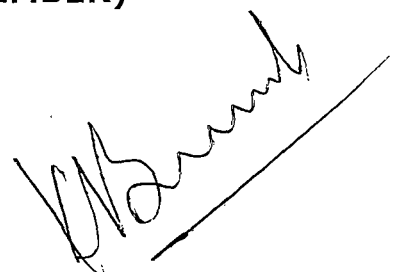
...Non-petitioners / Respondents

Mr. Mukesh Agarwal, counsel for respondent nos. 1 to 4.
Mr. Gaurav Jain, counsel for respondent no. 5.

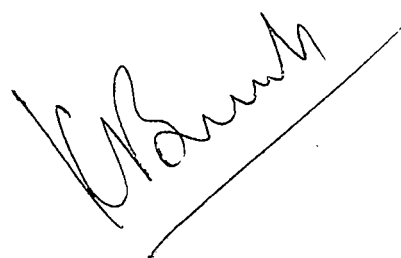
ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard.



2. The respondents submissions indicate that they have confused between the applicability of the CGHS Rules and CSMA Rules. At that point of time, CGSH facility was not extended to retired personnel. Now it is extended to them. They were not being allowed CSMA reimbursement. Hon'ble Apex Court has held that they are entitled to benefit under the CSMA Rules, 1944. Therefore, now the respondents would say that in the compulsion circumstances, they have paid in accordance with the CGHS package rates i.e. 20% or so of the amount originally claimed and apparently collected by the hospital, which is also a CGHS recognized hospital. If the hospital has over-charged then it is the responsibility of the people or the persons, who have granted CGHS recognition to that hospital, to get reimbursed of the amount, the burden shall not be on the applicant or any other employees similarly placed. It is to be regulated by the Government of India. The Government had provided a wide spectrum of facilities and benefits to many a medical facility on the assumption of care being provided to the common man and to ordinary Govt. employee. Many a time, it is found that these hopes are flouted in discriminatory manner by the hospital. Appropriate steps shall be taken by the Government to regulate the workings of the hospitals, which under the constitutional mandate is their responsibility. Before granting recognition and other benefits a single window format must be formulated that reasonable health care at non extortion rates are made available.

A handwritten signature in black ink, appearing to be 'K. B. Singh', is written over a horizontal line.

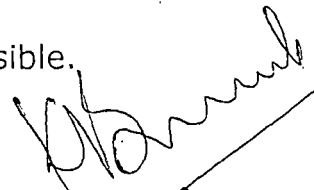
3. At this point, learned counsel for the respondents seeks two more week's time to make full payment to the applicant as per CSMA Rules 1944. Time as prayed for is allowed.

4. Contempt Petition is, therefore, disposed of, but reserving a right of re-filing to the applicant. Notices discharged. No costs. In view of the order passed in Contempt Petition, the Misc. Application for taking documents on record is also disposed of.

5. Certified copy of this order be made available to the learned counsel for the parties as immediately as possible.



(ANIL KUMAR)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER