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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 149/2000

R.A/C.P No. ....

E.P/M.A No. ....

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SECTION OFFICER (Judl.)

Stahli  
78/12/17

## FORM NO. 4

(See Rule 42).

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 159/2000

OF 199

Applicant(s)

Biswa Deodas Gupta.

Respondent(s)

Union of India and others.

Advocate for Applicant(s)

Mr. G. Sarma.

Mr. G. Sareen.

Advocate for Respondent(s)

C. G. S.

## Notes of the Registry

## Date

## Order of the Tribunal

25.4.2000

Application is admitted. Issue notice on the respondents.

Mr. G. Sarma, learned counsel for the applicant prays for an interim order and submits that the applicant may be allowed to draw an advance for travelling by air and for treatment.

The applicant may submit representation within two days from today and the respondents shall consider the prayer of the applicant within three days from the date of receipt of the representation from the applicant.

List on 5.5.00 for orders.

60  
Member

Note:- Please see Case

Copy of this order be furnished to the counsel for the parties.

By Order

25/4/2000

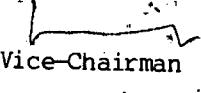
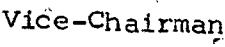
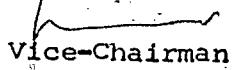
Notes of the Registry	Date	Order of the Tribunal
<p><u>27 - 4 - 2000</u></p> <p>Service of notices prepared and sent to D. Section 808 issuing of the same to the respondents through Regd. post with A.P.D. vide D.N.S.</p> <p><u>Ex 1284 1272 D.A.</u></p> <p><u>1 - 5 - 2000</u></p> <p><u>4 - 5 - 2000</u></p> <p>WTS has not been filed by</p>	5.5.00	<p>Learned counsel Mr G. Sarma for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Learned counsel for the applicant submits that as per direction of the Tribunal dated 25.4.00 the respondents have disposed of the representation of the applicant vide order dated 28.4.2000 (Photocopy of which has been produced before me today). The learned counsel for the applicant submits that the case of the applicant has not been examined by the concerned authority in the right perspective and have rejected the claim of the applicant by strictly following the rules and showing disregard to the immediate requirement of the treatment to save human life. He further submits that the applicant is a permanent employee of the department and is not a stranger. Consequently, if by bypassing the rules some money is granted to the applicant for emergent treatment of his wife even then the Government is not estopped from enquiring into the matter subsequently, after treatment. Therefore, the respondents be directed to release the amount for treatment of the applicant's wife including money necessary for her travel by air to Chennai alongwith two escorts for her assistance as per the requirement of her ailment. Opposing the submission of the learned counsel for the applicant, the learned Standing Counsel submits that while examining the case of the applicant for grant of advance as per the direction, the</p>
		2

Address of the Registry	Date	Order of the Tribunal
	5.5.00	<p>3</p> <p>department was duty bound, to keep in consideration the relevant rules and after such consideration the order has been communicated to the applicant which is as per the rules. He further argues that the requirement of rule of furnishing essentiality certificate of treating Doctor of a Government Hospital or Central Governmental Scheme was necessarily required to be submitted by the applicant to get money for treatment and for hospitalization. But, the applicant has not submitted any such certificate and has submitted is a certificate of private Doctor and a certificate of Doctor of Medical College stating that the patient is fit for air. Both these certificates are sufficient to prove that the patient is in critical condition and immediate shift to emergent treatment is required. The application is for advance for a sum of Rs. 10,000/-</p>

Notes of the Registry	Date	Order of the Tribunal
	5.5.00	<p>the department in which the applicant is presently serving. At this stage I would not like to go into the merits of the case regarding essentiality certificate, and need of the applicant to take his wife by air to Chennai, for treatment because any debate on this point might be causing prejudice to the case which could be argued at length at the appropriate time. Considering the urgency in the matter and in order to save human life, not strictly following the compliance of the rules, I would like to direct the department to grant the applicant Rs.30,000/- for treatment of his wife and money appropriate to allow him to travel with his wife by plane from Guwahati to Chennai and back and the question of entitlement of the applicant's travel by air could be looked into subsequently. As per the submission of the learned counsel for the applicant, it may be observed that in case the applicant is not able to satisfy the Court regarding his claim as per Rules, he would refund the money with interest. We may consider that this submission is made keeping in view the bonafide immediate necessity of treatment of the applicant's wife. Further, it may be observed that the applicant being in permanent Government employment with the respondents, the money could always be recovered from him if he is subsequently found not entitled to the same. One thing which should be kept in mind is that the applicant as per his status in the department and looking to his pay scale is entitled to travel by appropriate</p>

Notes of the Registry	Date	Order of the Tribunal
	5.5.00	<p>class in the train and therefore, ultimately, if the question of excess payment or payment over and above his entitlement comes for debate then only the excess part of the amount paid could be debated upon.</p> <p>Keeping in view of the above discussion, it is ordered and the respondents are directed to pay Rs.30,000 for treatment of the applicant's wife and also release appropriate amount of money to the applicant for travel by air alongwith his wife to and fro Guwahati-Chennai. The applicant's prayer regarding granting air travel fare for a second escort is refused. It is made clear that the compliance of this order would neither affect the rights of the respondents from disputing the claim of the applicants on merits as per Rules and claiming protection of their action as per Rules nor would entitle the applicant to claim any extra benefits on the basis of this order.</p> <p>It is further ordered that the applicant shall also at no point of time in future would be able to claim to retain the money so sanctioned on the ground that the same has since been spent by him and cannot be paid back, in case he is ultimately found/held not entitled to the amount so disbursed to him. He shall also be liable to pay interest on the said amount @ 12% per annum for the entire period of the retention of money.</p>

No. of the Registry	Date	Order of the Tribunal
8 - 5 - 2000	5.5.00	<p>Compliance of the order should be done within a period of seven days.</p> <p>List the case for written statement and further orders on 7.6.00.</p> <p>Copy of this order be delivered to the learned counsel for the parties for necessary compliance.</p> <p><i>2</i> <i>2</i> <i>2</i></p> <p><i>Member</i></p>
2-6-00	7.6.00	<p>Present : Hon'ble Mr.D.C. Verma, Judicial Member.</p> <p>None for the applicant Pathak, learned Addl.C.G. that the order dated 5.5.00 of the Tribunal has been complied with and the applicant is still in Apollo Hospital, Madras. The learned counsel, however, seeks time to obtain instructions and the latest position to file written statement. Four weeks further time is granted.</p> <p>List on 10.7.00 for further orders.</p> <p><i>Member</i> <i>C.J.</i></p>
13/6/00	10.7.00	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>None for the applicant. At request of Mr B.C. Pathak, learned Addl.C.G.S.C. the case is adjourned posted on 26.7.00 for written state</p> <p><i>Me</i></p>
		<p>nkm</p>

Notes of the Registry	Date	Order of the Tribunal
	26.7.00	There is no Seminar Adm to 14.8.00 18/0
	14.8.00	Same is no. Bays Adm to 18.9.00 18/0
	8.9.00	No Seminar to be held on 23.9.00 18/0
	25.9.00	Present : Hon'ble Mr. Justice D.N.Choudhury, Vice-Chairman. On the prayer of Mr. B.C.Pathak, learned Addl.C.G.S.C. two weeks further time is allowed to enable him to file written statement. List on 27.10.2000 for written statement and further orders.
		 Vice-Chairman
	26.9.00	In view of the order passed in M.P. 209/2000 the prayer for amendment of this application is allowed. Applicant is accordingly ordered to file a conso- lidated amended application incorpor- ating the amendment as prayed for within 7 days. List on 8.11.2000 for order. Respondents may file written statement on the amended application.
		 Vice-Chairman
he 10/00 Affd. d1. <del>Yours</del> Sent to D/S and to the respondent Vice D/No 424 and 2/11/2000	27.10.00	On the prayer of Mr. B.C.Pathak, Addl. C.G.S.C. four weeks time is allowed for filing of written statement. List on 28.11.00 for filing of written statement and further orders.
No. w/s has been filed 24.11.00	1m	 Vice-Chairman

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(4)

Notes of the Registry	Date	Order of the Tribunal
	28.11.00	<p>Four weeks time is granted to file written statement on the prayer of Mr. B.C. Pathak, learned Addl.C.G.S.C for the respondents.</p> <p>List on 1.1.2001 for order, alongwith O.A. 329/2000.</p> <p>Vice-Chairman</p>
No. written statement has been filed.	1.1.2001	<p>Let the case be listed along with O.A. 329/2000 on 19.1.01 for further orders.</p> <p>Vice-Chairman</p>
	mk	<p>19.1.2001</p> <p>To S.B. Adjourned to 24.1.2001.</p> <p>19.1.</p>
No. written statement has been filed.	24.1.01	<p>24.1.01</p> <p>List it again on 14.2.2001.</p> <p>In the meantime the respondents may file written statement.</p> <p>Vice-Chairman</p>
No. written statement has been filed.	trd	<p>14.2.01</p> <p>None appears for the applicant.</p> <p>Three weeks time is allowed for filing of written statement. List 7.3.01 for orders.</p> <p>Vice-Chairman</p>
No. written statement has been filed.	lm	<p>7.3.01</p> <p>List on 21.3.01 alongwith connected cases. In the meantime respondents may file written</p> <p>Vice-Chairman</p>
No. written statement has been filed.	lm	<p>21.3.01</p> <p>List on 28.3.01 alongwith O.A. No. 369 of 2000 (M.P.No.57 of 2000) for hearing.</p> <p>Usha</p> <p>Member</p>

Notes of the Registry	Date	Order of the Tribunal
	29.3.01	Mr. B.C. Pathak, learned Addl. C.G.S.C. prays for adjournment on the ground that the order in O.A. No. 298 of 99 is awaited. List on 4.4.01 for hearing.
<u>24.4.2001</u> W/s has been submitted by the Respondent No. 1 to 9.	1m	<i>H.C. Chakraborty</i> Member
	4.4.2001	None appears for the applicant. List again on 25.4.01 for hearing.
<i>Patra</i>	..	<i>H.C. Chakraborty</i> Vice-Chairman
	25.4.01	Mr. H.K. Das, appearing on behalf of Mrs. B. Dutta, Advocate, Govt. of Meghalaya, and Mr. G. Sarma, prays for one month time to file rejoinder to the written statement. Prayer allowed. List on 1.6.2001 for hearing.
	trd	<i>H.C. Chakraborty</i> Vice-Chairman
<u>8.5.2001</u> Order has been sent to the applicant. & the written statement to the respondents.	1.6.2001	None appears for pressing the application. List the case for hearing on 13-6-2001.
<i>Patra</i>	bb	<i>By order</i> <i>H.C. Chakraborty</i>

Notes of the Registry	Date	Order of the Tribunal
<i>Revd application B.G.M.R. 20/6/2001</i>	13.6.01	<p>The matter was called for hearing.</p> <p>After 3 calls given None appears for the applicant. It is seen that <sup>earlier or</sup> 4.4.01, 25.4.01 and 1.6.01 there was no representation on behalf of the applicant. It appears that the applicant is not interested in pursuing this application. Application is dismissed for default.</p> <p>I C (Usha)</p> <p>Member</p>
<i>21.6.2001 Copy of the order has been sent to the Defec. for 15/6/01 due to the Add. C.R.C. for the Response</i>	1m	
	12.7.01	<p>List on 17.8.01 alongwith M.P.NO. 162 of 2001.</p> <p>I C (Usha)</p> <p>Member</p>
	1m	
	5.9.01	<p>List on 5/10/01 alongwith M.P.NO. 162/2001 for order.</p> <p>I C (Usha)</p> <p>Member</p>
	mb	
	5.10.01	<p>List on 16.11.01 alongwith O.A. No.311/ 2001 for Admission.</p> <p>I C (Usha)</p> <p>Member</p>
	1m	
	21.11.01	<p>In view of the order passed in M.P.162/2001 this case is ordered to be restored to file.</p> <p>List the case for hearing on 5.12.2001 alongwith O.A.329/2000, 369/2000 and M.P.57/2000.</p> <p>I C (Usha)</p> <p>Member</p>
	bb	
	5.12.2001	<p>At the request made by Mr. H.K.Das, learned counsel appearing for the applicant, the case is adjourned.</p> <p>List the case again for hearing on 2.1.2002.</p> <p>I C (Usha)</p> <p>Member (A)</p>
	bb	
		<p>Member (J)</p>

Notes of the Registry	Date	Order of the Tribunal
	2.1.02	Mr. A. Deb Roy, Sr. C.G.S.C. prays for adjournment on behalf of Mr. B.C. Pathak, Addl. C.G.S.C. on the ground of his absence to-day. Prayer is allowed. List on 25.1.02 for hearing.
	1m	<i>KC(Shan)</i> Member
	25.1.2002	Heard the applicant as well as Mr B.C. Pathak, learned Addl. C.G.S.C. Hearing concluded. Judgment reserved.
		<i>KC(Shan)</i> Member
	nkm	
<u>22.2.2002</u> Copy of the judgment handed over to the applicant as well as to the Advs. in the case R. P. D.	8.2.02	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.
	1m	<i>KC(Shan)</i> Member

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 149 of 2000  
329 of 2000  
369 of 2000 and  
479 of 2001

Date of Decision. .... 8-2-2002

Sri Bimalendu Gupta

Petitioner(s)

Sri H.K.Das (O.A. 369/2000) - Advocate for the  
Applicant appeared in person also. Petitioner(s)  
- Versus -

Union of India & Ors.

Respondent(s)

Sri B.C.Pathak, Addl. C.G.S.C.

Advocate for the  
Respondent(s)

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.  
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Administrative Member.

KKUshan

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 149 of 2000,  
329 of 2000,  
369 of 2000 and  
479 of 2001.

Date of Order : This the 8th Day of February, 2002

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Bimalendu Gupta  
Senior Accountant,  
Office of the Accountant General(A&E)  
Assam, Beltola,  
Guwahati-29. .... Applicant.

By Advocate Sri G. Datta (O.A.149/2000, 329/2000)  
Sri H.K.Das (O.A. 369/2000)  
Applicant appeared in person in 479/2001.

- Versus -

Union of India & Ors. .... Respondents.

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

K.K.SHARMA, ADMN. MEMBER,

All these applications filed by the applicant are taken up together as the issues raised in these applications are common and mainly pertain to the reimbursement of air travel expenses for the treatment of the applicant's wife and also reimbursement of medical expenses. The applicant's case has been argued by Mr H.K.Das, learned counsel for the applicant and the applicant also elaborated the arguments in person.

2. The facts relevant for the purpose of disposal of these applications are that the applicant's wife is a State Government employee. The applicant's wife gave a declaration dated 10.7.90 to claim the medical reimbursement facilities under CCSMA Rules, as applicable to the applicant for her treatment and stated therein that she

*1 C WSharma*

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would not avail of medical allowance facilities from the Government of Assam. The applicant's wife is suffering from different ailments. As per recommendation of the treating physician of GMCH the applicant's wife was treated in All India Institute of Medical Sciences, New Delhi. The applicant's wife was being treated by physician of GMCH Dr Robin Medhi who advised that she should be treated at Apolo Hospital, Chennai. She was treated at Apolo Hospital Chennai from 2.2.98 to 9.2.98 and from 19.9.99 to 29.9.99. While she was under treatment at Apolo Hospital, an amount of Rs.30,000/- was sanctioned by the respondent No.3 which was not sufficient for the treatment and a fax message dated 24.9.99 was sent by G.M.Finance, Apolo Hospital to the respondent No.3. It is stated that review treatment of the applicant's wife was approved by the Joint Director, CGHS vide his letter dated 14.9.99 and air travel for 2 escorts was also approved. The applicant's wife was released from Apolo Hospital on 29.9.99. The respondents refused to provide medical treatment at Apolo Hospital. The applicant had to file an application before the Central Administrative Tribunal being O.A. 149/2000 and vide interim order dated 5.5.2000 the respondents were directed to release the funds to enable the applicant to travel by air for review treatment. It is stated that the Director General of Health Services by order dated 25.7.2000 conveyed approval of the Government for air travel of the applicant and his wife from Guwahati to Chennai. The applicant's wife received review treatment at Apolo Hospital, Chennai from 23.5.2000 to 6.6.2000. The respondent No.3 had

*IC Usha*

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sanctioned Rs.30,000/- as medical advance and Rs.32,324/- as air fare. The attending physician Dr D...Das and Dr R. Sridharan of Apollo Hospital Chennai advised on 31.5.2000, 1.6.2000 and 7.6.2000 to take the patient for second opinion and treatment and also gave air travel certificate. The applicant and his wife travelled by air to Delhi and the treatment continued from 8.6.2000 to 12.6.2000. The patient was advised to report after 3 months for review. The approval for travel to Chennai to Delhi and back is still awaited. After treatment at Delhi the applicant submitted the claim for medical advance and air fare for review treatment. The respondents did not allow the claim and the applicant moved another application being O.A.369/2000 on 31.10.2000. By interim order dated 31.10.2000 the respondents were directed to sanction T.A advance and also directed to not to recover Rs.19,742/-. The medical advance of Rs.48,000/- was sent to Indraprastha Apollo Hospital, Delhi by bank draft on 16.9.2000. The applicant's wife received necessary treatment from 7.11.2000 to 13.11.2000 and the treating physician Dr R.C.Arora advised the patient on 13.11.2000 to report after 3 months for review treatment. The applicant again applied for advance for review treatment which was due on 13.2.2001. The applicant sent reminders dated 15.3.2001 and 3.9.2001 alongwith the advice of Apollo Hospital Delhi. The respondents have not acted on the applicant's request. Finding no other alternative the applicant's wife moved a Writ Petition being numbered as W.P.(C) 3660/2001 on 24.5.2001 before the Gauhati High Court and the High Court was pleased to grant interim order with a direction to the

*CC Usha*

respondents to sanction necessary advance within a week from the date of receipt of the order. The respondents filed a Misc. Case No.816/2001 before the High Court stating therein that the applicant ~~had~~ had already filed series of applications before the Central Administrative Tribunal <sup>on this matter</sup>. Because of the misrepresentation before the High Court the interim order dated 24.5.2001 was vacated. The respondent No.3 directed the applicant to approach the Joint Director, CGHS, Guwahati to obtain essentiality certificate for travel by air. Accordingly the applicant approached the Joint Director, CGHS by fax on 27.4.2001 requesting him to examine the patient at her residence. Finding no response to the application dated 3.9.2001 the applicant submitted certificates from Dr Dilip Kr. Ghosal, DHMS dated 30.8.2001 and Dr J.K. Baruah, RMP dated 28.8.2001 who recommended that the patient should travel by air alongwith the attendant doctor. The applicant submitted that the advice of Homoeo practitioner was legally valid and the same should be accepted by the respondents. The respondents by order dated 25.4.2001 (Annexure-Y to O.A.479/2001) had started recovery at the rate of Rs.2500/- per month. The action of the respondents has been challenged on numerous grounds. It is stated that the applicant has a legitimate right for treatment. The impugned orders not sanctioning the claim of the applicant on the ground of not producing essentiality certificate is contrary to the provisions of law and that the respondents have abused their powers in not providing the applicant of legitimate right of medical treatment. The arguments advanced on behalf of the applicant are :

(i) That certificate from RMP and Homoeo practitioner

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are acceptable. For this purpose reference was made to circulars dated 15.6.2001 and 17.8.2001. However on perusal to these circulars it is revealed that these pertain to sanction of leave and also related to the Non-Gazetted employees. Certificates issued by recognised medical practitioners may be accepted for sanctioning medical leave.

(ii) If the respondents are not competent to sanction the claim of the applicant the same may be referred to the Government.

(iii) The applicant has a fundamental right to be treated by any medical attendant.

2. The respondents have filed written statement. It is stated that on 15.9.99 the applicant was sanctioned Rs. 32000/- as medical advance and not Rs.30,000/- as mentioned by the applicant. The advance was sanctioned on the basis of an estimate of Dr R.Medhi, Assistant Professor, O & G, Gauhati Medical College, Hospital. A bank draft of Rs.32000/- was sent to Medical Superintendent, Apollo Hospital, Chennai and it was stated in the forwarding letter that a certificate should be given whether the patient can travel by rail or air and that the certificate was absolutely necessary.

By fax dated 24.9.99 the Apollo Hospital informed the Accountant General (A&E), Assam that an additional amount of Rs.30000/- was required for continuing the treatment.

Accordingly another bank draft of Rs.24,000/- being 80% of the estimate was sanctioned. However the said draft was held up on account of telephonic message from the <sup>Wife</sup> applicant. The Hospital authorities ~~are~~ <sup>Wife</sup> also asked to verify the facts and however no message was received from the Hospital. Meanwhile the applicant's wife was released from Hospital with advice to report back after 3 months. In no documents it has been stated by Hospital authorities that the treatment of the applicant's wife was suspended

16/10/01  
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due to non receipt of additional amount of Rs.30,000/-.

The respondents have filed Annexure-7 being advice dated 28.9.99 of the Consultant, Apollo Hospital. With regard to the representation dated 16.12.99 for follow up treatment, the applicant did not submit any fresh estimate for medical advance and essentiality certificate for air travel neither from Apollo Hospital nor from treating physician of GMCH. As the applicant is an employee covered by CGHS facilities he is not required to take permission for air travel in terms of O.M. dated 7.4.99. The applicant was asked to submit estimate for medical advance and essentiality certificate to the effect that air travel was absolutely necessary. This was done by a letter dated 23.12.99 (Annexure-9). The applicant submitted an advice slip from Apollo Hospital (Annexure-10) which mentioned as "medically fit to travel by air". This was not treated as an essentiality certificate. The applicant did not obtain the approval of CGHS. The wife of the applicant <sup>had</sup> all along being treated as an outdoor patient. The patient undergoing OPD treatment is required to procure medicine from CGHS Dispensary. The applicant and his wife are not entitled to travel by air as per their entitlements. For air travel special approval of Government of India, Ministry of Health and Family Welfare is required. The applicant does not fulfil the essential requirements. When a reference was made to the Joint Director, CGHS the Joint Director, CGHS by his letter dated 21.1.2000 replied as under :

.....

In the present context the certificate as given by Dr Medhi of GMCH that the patient is medically fit to travel by air and that two escorts are required for the patient is not sufficient. The referring doctor has to state that the patients present condition is not such that she can travel

*Ullah*

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by

by any other means of transport and air travel is absolutely essential in her case and also that two escorts are essential. Without the "absolute necessity" clause in the doctors advise slip the case for approval of air travel cannot be recommended to the Director CGHS for obtaining permission from the Ministry. Your office may therefore request Dr.R. Medhi to incorporate this in his advise slip - which we shall need to forward to the Ministry while recommending the case . . . . .

The respondents also accordingly made reference to the treating physician Dr R.Medhi, who by his letter dated 24.2.2000 replied as under :-

With reference to your above mentioned letter I would like to say that air travel to Chennai is not absolutely necessary for Mrs Ajanta Gupta for her Gynaecological problems.

However, Mrs Gupta is having Neurological, Orthopaedic and Haematological problems and she is under treatment of Apollo Hospital, Chennai.

As I am not an expert in these fields of medicines, it is not possible for me to give an opinion regarding absolute necessity for air travel for her other diseases. Opinion may kindly be taken from Apollo Hospital, Chennai where she is treated."

The applicant had also produced a certificate dated 21.4.2000 from Dr R.N.Pathak who had recommended shifting of applicant's wife to Apollo Hospital, Chennai. The said advice was not certified by competent authority. The necessary expert doctors for treatment of applicant's wife was not available at Guwahati or nearby places like Calcutta. It is stated that this certificate was not filed by the applicant before the respondents. On the representation dated 26.4.2000 the applicant was asked to furnish tentative date of outward journey for follow up treatment so that the T.A advance by admissible railway class could be drawn. As per rules the applicant is supposed to obtain certificate from CGHS or the treating doctor of GMCH to permit air travel. By

*ICU Shetty*

a letter dated 28.4.2000 the applicant was informed about the reasons why air travel could not be sanctioned. On the basis of interim order dated 5.5.2000 in O.A.149/2000 an advance of Rs. 30,000/- was paid to Apollo Hospital through Bank draft for follow up treatment and Rs.33,324/- was paid to the applicant for air travel from Guwahati to Chennai and back. The above amount was sanctioned subject to the condition that in case the applicant was not able to satisfy the admissibility, as per rules he would have to refund the amount with interest. Regarding the applicant's claim of examination by Dr Dilip Ghosal on 19.5.2000 it is stated that Dr Ghosal is a Homoeo doctor and as per his certificate he found the patient in a serious condition on the night of 28.4.2000 and advised to consult with the doctor of Apollo Hospital and to avoid long journey. The doctor found the patient in a serious condition on 28.4.2000 and the applicant intimated on 9.5.2000 that ~~he~~ the patient was in a serious condition. If the patient was in a serious condition she should have been hospitalised but no such thing happened. It is stated that the applicant was more interested in getting air travel and less concerned about the ailment of his wife. Moreover, if the patient was in <sup>would</sup> a serious condition nobody go to a Homoeopath. The illness of the applicant's wife is a fabricated one and not based on facts. The certificate of Dr Ghosal cannot be treated as an essential certificate for grant of air fare. The treatment of the applicant's wife was over at Apollo Hospital on 31.5.2000. She was prescribed medicines on 31.5.2000 and 1.6.2000. However, there was no reference on those dates for referring the case to Indraprastha Apollo Hospital, Delhi. On 2.6.2000 the applicant sent a fax to the respondent No.3 in connection with treatment at

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Indraprastha Apollo Hospital, New Delhi. The patient was referred to Apollo Hospital on 7.6.2000 with the advice that she is fit to travel by air. The applicant produced a letter dated 6.6.2000 of the treating physician of Apollo Hospital, Delhi where nothing is mentioned about second medical opinion or air travel. The advice that she is fit to travel by air does not meet the essentiality criteria of air travel. Dr Mukul Verma of Indraprastha Apollo Hospital, New Delhi treated the applicant's wife from 8.6.2000 to 12.6.2000. He advised the patient to avoid long journey, travel by air (Annexure-N to the written statement) of O.A.479/2001). This also does not meet the essentiality criteria as prescribed by Ministry of Health and Family Welfare O.M. dated 7.4.99. The certificates given by doctors are in ambiguous term. It is stated that the applicant was not authorised to collect unutilized amount of Rs.25,178/- out of medical advance of Rs.30,000/- for Apollo Hospital to meet his air travel expenses from Chennai to New Delhi and New Delhi to Guwahati. The applicant was required to refund the balance amount of Rs.19,472/- out of refund of Rs.25,178/- after adjusting Rs.5456/- as medical expenses at Indraprastha Apollo Hospital, New Delhi. The certificate dated 7.6.2000 of treating physician of Apollo Hospital, Chennai did not mention that the condition of the patient was deteriorating and she was in need of shifting to Indraprastha Apollo Hospital, New Delhi and she could not be treated at Chennai. The wife of the applicant had never been an indoor patient while at Chennai or Apollo, New Delhi. Had the condition of the patient been serious she would have been hospitalised. Thus the statement of deteriorating condition of the patient was a hoax to justify the grant of air travel

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advance. In the written statement it is stated that the applicant's bills should be examined and paid as per law and rules as admissible. The applicant has failed to follow the rules and had not complied with the requirements of the rules. It was also pointed out that sanction for air travel issued by Ministry of Health and Family Welfare dated 25.7.2000 was revised by a letter dated 28.9.2000 as under :

• • • • •  
(i) Payment of amount of air travel to Shri Gupta to and fro Guwahati-Chennai only as per the Hon'ble CAT's Order instead of Guwahati-Chennai New Delhi-Guwahati.

(ii) Submission of specific certification of the treating physician of Apollo Hospital,Chennai to the effect that the "air travel for the patient is absolutely necessary."  
• • • • •

3. The matter has been extensively heard and as mentioned above the learned counsel for the applicant as well as the applicant in person argued the case. The case was argued mainly on facts. Mr B.C.Pathak, learned Addl. C.G.S.C supporting the written statement specifically referred to the rules. He referred to CGHS rules and O.M. No.S-12012/4/97-CGHS(P) dated 7.4.99. He admitted that air travel is permitted in respect of non eligible persons and such permission is given by Ministry of Health and Family Welfare on the basis of recommendation of Director,CGHS. He also admitted that ex post facto approval can also be given. According to the learned Addl.C.G.S.C the applicant had misrepresented the facts before the Tribunal as well as the applicant's wife also misrepresented the facts in the Writ Petition filed before the High Court. While getting the interim order dated 5.5.2000 it had been stated on behalf of the applicant that the applicant's wife was

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in very serious condition and that in the absence of treatment she was in danger of her life. In the Writ Petition filed before the High Court the applicant's wife had suppressed the fact that similar issue was pending before the Central Administrative Tribunal by way of numerous applications. He further argued that the respondents have no objection in making the payment for legitimate claims of the applicant subject to the observation of the relevant rules. The applicant has deliberately not complied with the rules and the applicant's case deserves to be dismissed. Medical benefits are provided to Central Government employees as per Medical Attendance Rules as applicable. Rules are statutory in nature and are made to overrule arbitrariness and ambiguity. When rules are there rights and responsibilities of persons to whom rules are applicable are known. The exercise of discretionary power is reduced to a great extent when rules are framed. In the context of medical benefits, due to the existence of rules one knows it as to what facilities/benefits one is likely to get. The rules also provide for certain requirements which are to be observed by the beneficiaries to claim those benefits. There is no dispute that the applicant is a CGHS beneficiary. In a place where CGHS scheme is applicable, no option is given to the employee to opt out of the scheme. The applicant's wife had given an undertaking to claim the medical benefits as per Central Government rules applicable to the applicant. Having perused the record and having heard the counsel for the parties at length as well as the applicant there is no doubt in my mind that the nature of the treatment of the wife of the applicant was domiciliary. There was no

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case of any emergency. The patient required consultation and not hospitalisation. The record also shows that the patient had ~~been~~ given only consultation. The patient's life was not at stake. The rules provided for dealing with such cases as well as cases requiring emergency treatment. Chapter 6 of the Compilation of CGHS Orders and Case Laws deals with the procedure for referral cases 'to recognised hospital'. The applicant's wife was referred to Apollo Hospital, Chennai. It is a case of referral treatment. Relevant portion of Chapter VI Para 2 (i), (v) and (vi) and para 4 are reproduced below :

"2 (i) In case of SERVING GOVERNMENT SERVANTS, after the Specialist advises a procedure in writing, the permission letter for, taking such treatment in a CGHS recognised private hospital/referral hospital of choice in the same city, would be given by the parent department/Office of the employee.

(v) In case the beneficiary, inspite of the facility being available in the another city, permission may be given, but in such cases TA/DA would have to be borne by the beneficiary himself/herself.

(vi) For availing treatment outside the city of residence of a beneficiary, the permission of Director/Addl. Directors/Joint Director of the City would have to be obtained.

4. In case of beneficiary, inspite of facility being available in the city still chooses to get treatment in CGHS recognised Hospital in another city.

The power for grant of such permission are delegated to the Heads of CGHS covered cities both in respect of pensioners and serving employees, but without grant of TA/DA."

As per applicable TA rules the applicant is entitled to travel by train and not entitled to travel by air. However, air travel for medical purposes is admissible as per Chapter VI of the Compilation of CGHS Orders. The relevant part of the rule is reproduced below :

"Air Travel - Permission may be given by the Ministry of Health and Family Welfare on the basis of the recommendation of Director, CGHS."

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Even there is a provision for ex-post-facto approval. Under normal T.A. Rules air travel is admissible to employees drawing a basic pay of more than Rs.16,400/- per month. Admittedly the applicant is drawing less than Rs. 16,400/- per month. Special provision is made for non entitled persons. The relevant instruction is re-produced below :-

"Government may consider refund of air fare paid in individual cases on merits, provided they are satisfied that air travel was absolutely essential and that travel by any other means, i.e. by rail or road, etc. would have definitely endangered the life of the patient or involved a risk of serious aggravation of his/her conditions."

"Certificate required to claim T.A.

it is certified in writing by the authorised medical attendant or by the specialist to whom the patient was referred by the authorised medical attendant or by a competent medical officer attached to the hospital to which the patient was referred by the authorised medical attendant for medical attendance and treatment, that the journey was unavoidably necessary to obtain appropriate medical attendance and treatment under the relevant Medical Attendance Rules and Orders."

Under the relevant medical attendance rules simultaneous treatment in two or more systems of medicine is not permitted. The relevant rule is re-produced below :

"Instances have come to notice where persons covered under the CS(MA) Rules, have received treatment simultaneously in more than one system of medicine. It has been decided that treatment for the same ailment should not be taken simultaneously in more than one system of medicine under the CS(MA) Rules, 1944. There is, however, no objection to treatment being received simultaneously in different systems of medicine for different ailments. If however, such treatment is being taken for other diseases, this should be done with the knowledge of the attending doctors of the other systems concerned."

There is a provision for advance T.A. also. The advance T.A. rules is reproduced below :

"Advance of travelling allowance to the extent admissible under these orders may be granted to Government servants at the discretion of the authority competent to sanction advance of T.A

*T. C. W. Shah*

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on tour on production of a certificate in writing from the medical authorities mentioned in these orders to the effect that the Government servant or a member of his/her family has been advised medical attendance and treatment outside the station (name of the station at which the patient has been recommended medical attendance and treatment to be specified) in accordance with the relevant Medical Attendance Rules and orders."

Appendix X of Medical R Attendance Rules gives instructions for Government servant. Para 5 of the relevant instruction is reproduced below :

"At the time of leaving the hospital after treatment, please get the hospital bill and receipts, vouchers, essentiality certificate, etc., duly signed or countersigned by the authorised medical attendant or the medical officer in charge of the patient in the hospital, as the case may be, for the purpose of claiming refund of expenses incurred."

Appendix XIV gives the form of essentiality certificate to be produced for claiming reimbursement. Certificate B is applicable in case of patients who are not admitted to Hospital. The rules have been reproduced above to have a better understanding of the issue. The relevant rules shows that essentiality certificate by the authorised medical attendant is necessary. The "authorised medical attendant" has been defined in the rules and means a Medical Officer under the employee of Central Government. Thus it for includes CGHS Doctors. Similarly the travel by other than the entitled mode of transport, essentiality certificate is required to the extent that it was absolutely necessary for the patient to travel by other than the entitled class. The certificates produced by the applicant do not show that the travel by air was essential. The doctors have simply certified that the "patient is fit to travel by air." The type of certificates produced by the applicant do not meet the requirement of the rules applicable to the applicant.

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No infirmity can be found in the order of the respondents in not accepting the certificates regarding air travel produced by the applicant. The applicant has not been able to satisfy me in the proceeding before me that the travel of ~~by~~ the patient by air was essential and that she could not ~~as~~ travelled by the entitled mode of transport as per her entitlement.

4. I have given a patient hearing to the submissions made by the applicant and on his behalf. The applicant filed O.A.149/2000 on 25.4.2000. On 5.5.2000 the applicant prayed for an interim order. It was submitted at that time that there was an emergency and the life of the applicant's wife was in danger. On consideration of the submission of the applicant, the respondents were directed to give an advance of Rs. 30,000/-. It was made clear in the interim order dated 5.5.2000 that if the applicant was not able to satisfy the claim under the rules he would refund the money with interest at the rate of ~~Rs.~~12%. He was also not permitted to spend the unutilized amount. The discussion above shows that the applicant had misrepresented the facts ~~for~~ obtaining the interim order dated 5.5.2000. Not only that the applicant's wife also misrepresented the facts in the Writ Petition filed before the Hon'ble Gauhati High Court on 24.5.2001 and also obtained interim order. However, on 25.5.2001 <sup>when</sup> the correct facts were pointed out before the Hon'ble Gauhati High Court, the interim order was vacated. The respondents have been intimated the applicant the requirement of relevant rules by letter dated 23.12.99 (Annexure-9 to the Written statement in O.A.149/2000). The applicant was informed about the requirement of the relevant rules. The letter is reproduced below for convenience :

"With reference to his representation dated 16.12.99 (received on 20.12.99), Sri Bimalendu Gupta, Sr. Actt, is hereby asked to submit immediately a fresh estimate of Apollo Hospital, Chennai, required for the

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purpose of sanctioning of medical advance regarding follow up treatment of his wife Smt Ajanta Gupta.

As regards grant of TA for undertaking journey by air for the aforesaid purpose. it may be stated that it would not be possible to release the air travel advance without the specific certification of the treating physician of Apollo Hospital,

Chennai to the effect that "Air Travel for the patient is absolutely necessary". The certificate referred to in your representation that the patient is "medically fit to travel by air", is only a certificate of fitness and cannot be treated a certificate of essentiality. Moreover, the approval of the Director, CGHS is also required for the said purpose.

In view of the above, he is asked to submit a fresh TA advance application for entitled Railway class for the proposed journey within 2(two) days from the date of receipt of this letter, for grant of TA advance. Further, in this connection, it may be mentioned that considering the gravity of the case and on the basis of Medical Certificate of the treating physician of GMCH, Air fare was granted provisionally subject to the approval of the competent authority. However, the matter has been taken up with the Joint Director, CGHS who in his letter dated 22.11.99 stated that the Air fare for the journey undertaken on the earlier occasion may not be reimbursed if the approval for the same is not received from the Director, CGHS New Delhi. As such his above mentioned air fare claim cannot be reimbursed until the receipt of the approval of the Director CGHS, New Delhi.

The release of Medical Advance of Rs.30000/- on an earlier occasion related to a different instance and cannot be automatically treated as having a bearing with the present proposal."

Again by letter dated 21.1.2000 of Joint Director, CGHS addressed to Senior Accounts Officer, office of the Accountant General the relevant rules were clarified to the applicant.

W The letter is reproduced above. The applicant produced a certificate issued by Dr. Ghosal dated 19.5.2000 (Annexure-20 to O.A.149/2000). The recommendation of Dr D.Ghosal is reproduced below :

"This is to certify that Mrs Ajanta Gupta W/o Mr B.Gupta was serious on 28th April, 2000 and on call at 10 P.M. attend at her residence.

*IC W Shetty*

After examine she was advise to consult the Apollo doctors from whom she was taking treatment and also advised to avoid train journey which may fatal her life."

It may be noted that Dr Ghosal is a homoeo path. The certificate shows that he had examined the patient on 28.4.2000 at 10 P.M. and issued a certificate on 19.5.2000 that she should avoid train journey. The certificate given by Dr Ghosal is vague. It does not mention the nature of illness. It does not explain if he found the condition of the patient serious on 28.4.2000 why he recommended treatment at Apollo hospital on 19.5.2000. The discussion above shows that the attitude of the applicant was not cooperative. He wants to get benefit outside the rules. He does not want to follow the rules. During the course of proceeding the applicant filed a copy of letter dated 27.4.2001 addressed by him to the Accountant General. The letter is reproduced below :

"With reference to your i/c DAG(A) Memo No. Admn-II/BG-MDL/pt.II/ 2001-2002/18 dated 20.4.2001 on the subject, I am to state that as per C&AG's letter you have made compulsory CGHS treatment and deducting contribution and funding to CGHS Guwahati without my concent. Hence it is your duty and responsibility to get any information in regard to treatment as required from CGHS directly. It is further stated that in many occasions it is noticed that Shri R.I.Sen Gupta Welfare Officer initiate to do the needful, which is covered under duty and responsibility of the Welfare Officer, but in my case he is not acted accordingly. Kindly do the needful in this regard, to provide or depute specialist doctor of CGHS related to illness "Osteoporosia" and your required certification, without any lapse.

In regard to CAT order dated 29.3.2001 of O.A.No.298/1999 and 177/1998, the decision will be intimated to you."

*I C Usha*

A reading of this letter shows the non cooperative nature of the applicant. He was writing to the Accountant General to get the information regarding treatment from CGHS directly. The applicant has requested the Accountant General to depute a specialist doctor of CGHS to examine his wife. The reasons for writing such letter addressed to Accountant General were known to the applicant himself. The applicant wants reimbursement of medical expenses incurred by him. The rules required reference to CGHS. It is open to the applicant to follow the procedure or not. It is not understood how the Accountant General will arrange for examination of applicant's wife by CGHS specialist. Instead of approaching the CGHS authorities the applicant has addressed this letter to the Accountant General. A copy of this letter had also been endorsed to Joint Director, CGHS. The applicant has also requested the Joint Director, CGHS to depute a CGHS doctor when to his residence. It is not understood as to how the applicant can take his wife to hospital in Chennai/Delhi, he was not in a position to take her to the CGHS Dispensary. The applicant has not been able to support his case for relief under the rules. No infirmity is found in the orders issued by the respondents regarding the applicant's claim for re-imbursement. The respondents are directed to dispose of the applicant's claim for medical reimbursement as per rules. As discussed above the applicant has not been able to satisfy in this proceeding why applicant's wife was entitled to travel by <sup>a mode</sup> other than the entitled class. The applicant has not obtained necessary authorisation from competent authority. I am unable to give any relief to the applicant. The application is disposed of as above. The claim of the applicant will be settled as per applicable rules. All interim orders contradictory to this order stand vacated.

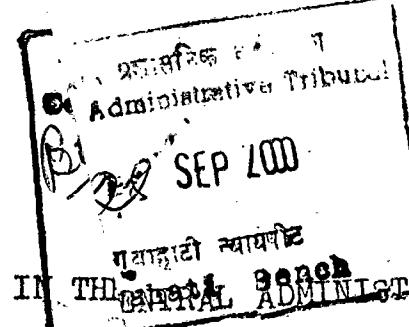
*IC Usha*

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The applicant will be entitled to refund the inadmissible amount with interest at the rate of 12%.

All the above applications are disposed of as above. There shall however be no order as to costs.

*K. K. Sharma*  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER



IN THE ~~GENERAL~~ <sup>भारतीय न्यायालय</sup> ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An amended Application under the Administrative Tribunal's Act, 1985)

O. No. 149 /2000

Shri imalendu Gupta ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

I N D E X

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For use in Tribunal's office :

Date of filing :

Registration No. :

Registrar.

28/9/2000  
10/10/00  
10/10/00

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No.149/2000

Shri Bimalendu Gupta ... Applicant.  
- Versus -  
Union of India & Ors. ... Respondents.

PARTICULARS OF THE APPLICANT

i) Name of the applicant : Sri Bimalendu Gupta.

ii) Name of father : Late Biswanath Gupta.

iii) Designation & office in which employed. : Senior Accountant,  
Office of the AG(A&E),  
Assam,  
Beltola, Moidamgaon,  
Guwahati - 781029.

iv) Office address : Office of the AG(A&E),  
Assam,  
Beltola, Moidamgaon,  
Guwahati - 781029.

v) Address for service notice. : Office of the AG(A&E),  
Assam,  
Beltola, Moidamgaon,  
Guwahati - 781029.

Contd...2/-

PARTICULARS OF THE RESPONDENTS

1. Union of India  
Represented by the Secretary to the  
Govt. of India,  
Ministry of Health & Family Welfare,  
(Department of Health),  
Nirman Bhawan,  
New Delhi.
2. Controller of Auditor General of India  
Bahadur Shah Zaffar Marg,  
Indraprastha Head Post Office,  
Post Box No.7,  
New Delhi-2.
3. Accountant General(A&E), Assam,  
Maidamgaon, Beltola, Guwahati-781029.
4. Director General of Health Services,  
Central Govt. Health Scheme,  
Nirman Bhawan,  
New Delhi-1.
5. Deputy Accountant General (Admn)  
Office of the AG(A&E), Assam,  
Maidamgaon, Beltola, Guwahati-29.
6. Shri Lengjam Sidhartha Singh  
Deputy Accountant General(Admn),  
Office of the AG(A&E), Assam,  
Beltola, Maidamgaon, Guwahati-29.
7. Joint Director,  
Central Govt. Health Scheme,  
Ministry of Health & Family Welfare,  
Ananda Kutir Path,  
Zoo Tiniali, Guwahati-3.
8. Sr. Accounts Officer(Estt & Bills),  
Office of the AG (A&E), Assam,  
Maidamgaon, Beltola, Guwahati-29.
9. Shri Bijit Kumar Das Purkayastha,  
Sr. Accounts Officer (Estt & Bills),  
office of the AG(A&E),  
Assam,  
Maidamgaon, Beltola,  
Guwahati-29.

... Respondents.

Bimalendu Chakravarthy

Contd.....

DETAILS OF APPLICATION

I. PARTICULARS OF THE ORDER/ORDERS AGAINST WHICH THE APPLICATION IS MADE.

A. This application is made against order dated 23.12.99 vide Memo No. Admn-11/BG-MDL/TA/99-2000/567 and inaction by the respondents for sanctioning medical as well as Air travel advance for treatment of wife of the applicant Mrs Ajanta Gupta.

1. JURISDICTION OF THE TRIBUNAL :

The applicant declare that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

2. LIMITATION :

The applicant declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal's Act, 1985.

3. FACTS OF THE CASE :

1. That your humble applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed in the Constitution of India and presently he is the employee under Respondent No.3 and at present he is a Senior Accountant stationed at Guwahati.

Bimalendu Gupta

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2. That your humble applicant is a married one and has got wife and one daughter. Under the CCS(MA) Rules, 1944, the wife of the applicant is entitled for treatment.

3. That your humble applicant's wife is suffering from different ailments including Menonhagia low gracle fever and weight loss, back pain etc. On recommendation of the physician Dr. Robin Medhi, Asstt. Professor OTG Department of GMCH, Guwahati the applicant's wife was treated at Apollo Hospital at Chennai. An amount of Rs.30,000/- was sanctioned vide letter dated 13.9.99. She was treated at Apollo Hospital Chennai from 19.9.99 to 29.9.99 and the attending Doctors opined that a further period would be required for the treatment and accordingly the Hospital authority (Finance Deptt) sent a fax message to the Respondent No.3 to remit immediately a sum of Rs.30,000/- for more investigation of the patient.

A copy of the Fax message as referred is enclosed herewith and marked as Annexure-1.

4. That your humble petitioner begs to state that there being no response from Respondent No.3 the Hospital authority suspended investigation and advised her to report to the Hospital after 3 months.

A copy of the said document dated 28.9.99 enclosed herewith and marked as Annexure-2.

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Bimalendu Ray

5. That your humble applicant begs to state that by this time, the condition of the applicant's wife is deteriorating day by day and approached the Respondents requesting them to sanction amount for medical expense as well as travel allowances. In the mean time she was treated by local doctor at Guwahati and even today she is under medical treatment.

A copy of the letter to respondent No.3 written by the applicant dated 16.12.99 is enclosed hereto and marked as Annexure-3.

6. That your humble applicant begs to state that he was cut to the quick when he received the letter of the Respondent No.8 where it was written that a fresh certificate was to be obtained from Apollo Hospital regarding air travel though already certificate has been filed, copy of which is annexed again.

A copy of the letter dated 23.12.99 written by Respondent No.8 and a medical certificate from Apollo Hospital is annexed as Annexure405.

7. That your humble applicant begs to state that he got another letter from Respondent No.8 who wrote to him to furnish a fresh recommendation of the treating physician of the Guwahati Medical College Hospital, Guwahati regarding the necessary of air travel for follow-up treatment.

Bimalendu Gupta

A copy.....

A copy of the said letter dated 29.12.99  
is disclosed hereto and marked as  
Annexure-6.

8. That your humble applicant begs to state that his wife who is under medical treatment under Dr.R.Medhi, attending physician and Asstt.Professor of O & G of Guwahati Medical College Hospital, Guwahati has opined that the wife of the applicant can be shifted to Chennai by air only.

A certificate dated 10.1.2000 by Dr.R.Medhi is enclosed herewith and marked as Annexure-7.

9. That your humble applicant begs to state that the condition of his wife is deteriorating day by day and on 21.4.2000 she was advised immediately to shift to Chennai.

A copy of medical document is enclosed herewith and marked as Annexure-8.

10. That your humble applicant begs to state that delay may bring danger to the wife of the applicant and something unexpected may happen.

11. That in pursuance of this Hon'ble Tribunal's order dated 5.5.2000, your humble applicant got an amount of Rs.30,000/- as medical advance and Rs.32,324/- as air fare advance and proceeded to Chennai to escort his ailing wife for treatment at Apollo Hospital, Chennai

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and their minor daughter Anoopriya Gupta was taken along with. The said amount of air fare was paid on 12.65.2000 by cheque which took three days time for collection and the medical advance was paid by demand draft payable at Chennai in favour of Apollo Hospital. On 19.5.2000 the wife of the applicant was further examined by the Homeeo Physician Dr. D.Ghosal and advised to avoid train journey. A document in this connection is enclosed herewith and same is marked as Annexure-9.

12. That your humble applicant arrived at Chennai with his ailing wife on 22.5.2000 and attended Apollo Hospital, Chennai on 23.5.2000. The applicant begs to state that his wife was treated in the Apollo Hospital, Chennai from 23.5.2000 to 6.6.2000 and on that date i.e. on 6.6.2000 she was referred to be treated in the Indraprastha Apollo Hospital, New Delhi and accordingly the patient was shifted to Indraprastha Apollo Hospital, New Delhi on 8.6.2000 and on the same day she attended the Indraprastha Apollo Hospital New Delhi and her treatment continued till 16.6.2000 and she was discharged on that day. Dr. Mukul Verma, Sr. Neuro Consultant, Dr.Mittal & Dr.M.Roy are the attending doctors who advised your applicant's wife to report again after 3(three) months for review. The applicant had to shift his wife from Chennai to New Delhi by air as per advice of the Doctors of Apollo Hospital, Chennai. In this connection, two documents are enclosed herewith and both are part and parcel of this petition and marked as Annexure-10,10-A|08 and Annexure-11.

Contd....

Bimalendu Gupta

13. That your humble applicant left New Delhi on 18.6.2000 for Guwahati by Indian Airlines as per advice of the attending doctor of Indraprastha Apollo Hospital. A document in this connection is enclosed herewith and same is marked as Annexure-10B She is further advised to report at Indraprastha Apollo Hospital after three months for review. A document in this connection is enclosed and marked as Annexure-11.

14. That your humble applicant begs to state that an expenditure to the tune of Rs. 31,240/- (Rupees Thirty one thousand two hundred forty ) for air fare was incurred from Guwahati-Chennai, Chennai-New Delhi-Guwahati out of scheduled programme as the patient was referred to Indraprastha Apollo Hospital by Apollo Hospital, Chennai. This air fare expenditure of Rs. 31,240/- was adjusted from the balance amount of medical advance refunded to the applicant by Apollo Hospital, Chennai i.e. Rs.24,000/- was refunded to the applicant by Apollo Hospital, Chennai for medical treatment at New Delhi from the amount of Rs.30,000/- sanctioned by Respondent No.3.

15. That the applicant begs to state that this amount/being incurred and same being spent from the balance amount in hand Rs.16,624/- ( Rs.32,324 -15700/-) i.e Air Travel Advance Rs.32,324 + 16,806/- ( being refunded money of Medical Advance of Rs.30,000/-). This total amount may kindly be treated as Air travel Advance. Contd.....

Bimaleshwar Gupta

16. That your humble applicant begs to state that the amount spent as stated above in route Chennai-New Delhi Guwahati due to necessity which was unforeseen, as his wife was to be treated at Indraprastha Apollo Hospital, New Delhi after being treated at Apollo Hospital, Chennai. The matter was brought to the notice of Respondent No.2&3 and Respondent No.3 by Fax on 2.6.2000 and on 13.6.2000 and also talked over phone. Respondents were requested to sanction air fare for air travel as advance from Chennai-Delhi and Guwahati it was further to pay said advance through AG(A&E) Tamilnadu, Chennai and the applicant waited till 7.6.2000 with hope that respondents will ~~spend~~ <sup>required</sup> the amount as per request made by Fax on 2.6.2000. Money being not sent and the applicant's wife condition being deteriorating he was compelled to spend the balance amount in hand in purchasing air tickets for shifting the patient to New Delhi.

Copies of the fax message is annexed and marked as Annexure-14 and 15.

17. That your humble applicant is submitting the final air travel bill and medical claims to the Respondent No.3 at the earliest.

GROUND FOR RELIEF WITH LEGAL PROVISION :

1. For that the impugned order i.e. Annexure-4 is violative of Article 14,16 and 21 of the Constitution of

India.....

Pitambari Gupta

India affecting the legitimate rights and right to life of the applicant.

2. For that the impugned order is liable to be set aside in view of Annexure-1.

3. For that in view of Annexure-2,7 & 8 the Respondent No.3 is requesting to sanction the entire medical and air travel allowance as per the existing rules to the applicant.

4. For that the inaction on the part of Respondent No.3 has led the case of the applicant to despire and it is obligatory on the part of Respondent No.3 to grant immediately medical as well as air travell allowance.

5. For that the impugned order is liable to be set aside in view of Annexure 7 & 8.

6. For that it is a fit case where this Hon'ble Tribunal can invoice his jurisdiction to interfere with the matter.

7. For that the equity and good convenience need interference by this Hon'ble Tribunal.

8. For that it is a fit case where this Hon'ble Tribunal can intervene in the interest of justice.

Bimalendu Upadhyay

Contd.....

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declare that he has no other alternative or efficacious remedy except by way of filing this application before this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT/TRIBUNAL :

The applicant further declare that he has not filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or Suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above the applicant most respectfully pray that the Hon'ble Tribunal may be pleased to grant the following reliefs to the applicant.

8.1. Order may kindly be passed directing the respondents No.3 & 5 to cancel/withdraw/review or any appropriate order dated 23.12.99 i.e. Annexure-4 with a further direction to sanction grant as medical advance including air travel expenditure covering Indraprastha Apollo Hospital New-Delhi

8.2. To direct the respondents so that the applicant is getting complete justice.

Bimla Devi Ruplal  
Contd....

9.

INTERIM RELIEF IF ANY SOUGHT FOR :

Under the facts and circumstances stated above the applicant prays to stay the impugned order dated 23.12.99 and with direction to respondent No.3 & 5 to pay the applicant the medical advance of Rs.30,000/- and air travel expenditure of the applicant's wife including attendant <sup>Cover charge</sup> for both ways. ~~Indraprastha Apollo Hospital New Delhi~~

10.

The application is filed through Advocate.

11.

PARTICULARS OF THE I.P.O.

- (i) IPO No.
- (ii) Date of Issue :
- (iii) Issued from :
- (iv) Payable at :

12.

LIST OF ENCLOSURES :

As stated in the INDEX.

Bimalendu Upadhyay

Verification.....

I cert. for R.M. & acceptability  
as on 15.6.2001, 17.8.2001 -  
for leave purchased  
for not competent to salvation - they  
should refer to G.O.  
- II. go not  
- III. ~~Government~~ relief  
- IV. T.A. Bills - for 8/127 - Pending -  
D.F.R to set ~~treating~~ for anybody  
else - to be settled by our  
own

multiple views  
from various

multiple  
DNA-acted contrary  
17.8.2001  
15.6.2001  
20.4.01 - DNA & directed to appear before CAGS  
27.4.01 - ~~facto~~ Emergency case, should have been  
w/ P - McGuthrie order, 8.6.2001  
DNA filed MP - 8.6.2001  
to Nevada  
governor  
gentry group  
fill 7.6.01

VERIFICATION

I, Shri Bimalendu Gupta, son of late Biswanath Gupta, aged about 44 years, presently working as Senior Accountant in the office of the Accountant General (A&E), Assam, Moidamgaon, Beltola, Guwahati-781029 do hereby verify that the contents made from paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.

are true to my knowledge and those made in paragraph are derived from records which I believe to be true and those made in paragraphs after paragraph 17. of the application are true to my legal advice and rest are humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts in this case.

AND I sign this Verification on this 28<sup>th</sup> day of September, 2000 at Guwahati.

Dec. 98 - Alpho Hoshi. not allowed to consult Alhola

11 - Cert. of Dr. Modha

25.7.00 PCMS allowed  
to travel to & from Guwahati  
Chennai

Bimalendu Gupta  
DEPONENT.

16.9.99 - went to Chennai - There was shortage of money

26.9.99 - Alhola Hoshi. Chennai - for additional amount of 72000 - A.G did not send money

17 - medically fit to travel by air

5.5.00 - Cat order - 30000 allowed

para 5 & 6 MP

14  
Annexure - 1

Dt. 24.09.99

FAX NO 0361 303142

To

THE ACCOUNTANT GENERAL  
(O & E) ASSAM  
GUWAHATI - 29

Sub: Requisition for remittance of Thirty Thousand  
for treatment of Mrs. Ajanta Gupta Hospital token  
No 353658.

\*\*\*\*\*

Sir,

With reference to your letter No. Admin. 2/BG-MDLADV/99-2000/362  
Dated 15.09.99 enclosing B/D No. 980281 dated 15.9.99 for Rs.32000/-  
received by this Hospital for the investigation /treatment of  
Mrs. Ajanta Gupta w/o B Gupta of your office, we require an  
additional amount of Rs.30,000/- for further treatment of the  
patient.

Please confirm the remittance in two days. We will send you the  
statement of account on completion of treatment.

Yours faithfully  
for APOLLO HOSPITALS ENTERPRISE LTD

V. VENKATESH  
GENERAL MANAGER, - FINANCE

Our Fax No. 91 44 8234429  
Email: ahe1 @ vsnl.com.

DR. R. VARADARAJAN, MD, DCH  
Consultant Neurologist

28/9/99

Ref by Dr Ashwin Steel MD

File Anita Gupta 34 yr fe

Suggestion

(1) Lab: Fbc, Urine, SG, (1)  
Urine clarity after  
After breakfast X Urine  
Urine Microscopy (1) Once a day  
Urine X Apollo Hospitals

21, Grams Lane, Off, Grams Road, Chennai-600 006 Ph. 8277447

Regd. Office: 19, Bishop Garden, Chennai-600 028

E-MAIL: ashel.apollo@gems.vsnl.net.in

INTERNET: <http://www.apollohospitals.com>

16

Annexure - 3

To

The Accountant General (A&E) Assam,  
Moidamgau, Guwahati-29.

Subject: Payment of Medical Advance and  
Travelling Advance.

Sir,

I beg to invite your kind attention to my application dated 5.11.99 regarding payment of Re-imbursement sent of the medical treatment cost and Air fare amounting to Rs.10,000 (Rupees ten thousand approx.) only. But till date Establishment & Bills fails to intimate nor made payment, as a result the interim check up of the patient is badly disturbed due to paucity of money.

Further I like to mention that as per Medical advice of Apollo Hospital Ent. Ltd. Chennai it is time to attend Apollo Hospital for follow up treatment.

That sir as per telephonic information it was confirm that an amount of Rs.30,000/- (Rupees thirty thousand) only was sanction as per Apollo FAX dated 24.09.99 but the same was not paid to Apollo due to deferred the treatment till last part of December, 1999. Necessary arrangement may kindly be made to payment of the said amount to Apollo Hospital for follow up treatment of my wife Mrs. Ajanta Gupta as per medical advice. The medical advices are already submitted to Establishment-2. in time.

That sir, in addition to Medical advance the travelling advance by Air as per medical advice for to and fro Chennai may also kindly be released soon so that the patient with attendant can able to avail the treatment without any further delay.

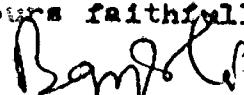
In this regard a fresh approval of the Joint Director CGHS need not required as it is within the time limit of the original sanction order dated 14.09.99.

Under the circumstances necessary action and order may kindly be passed to release the above payment and enable us to seek the treatment at Apollo Hospital Chennai as per medical advice of Apollo Hospital without any further lapsed.

For this act of your kindness I shall remain ever grateful.

Dated, Guwahati  
the 16th Dec. '99

Yours faithfully

  
( Bimalendu Gupta )  
Senior Acctt/Rec-(C)

...

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM,  
BELTOLA, GUWAHATI-29.

No. Admin-II/BG-MDL/TA/99-2000/567

Dated: 23/12/99.

With reference to his representation dated 4/12/99 (received on 20/12/99), Sri Bimalendu Gupta, Sr. Acctt., is hereby asked to submit immediately, a fresh estimate of Apollo Hospital, Chennai, required for the purpose of sanctioning of medical advance regarding follow up treatment of his wife Smt. Ajanta Gupta.

As regards grant of TA for undertaking journey by Air for the aforesaid purpose, it may be stated that it would not be possible to release the air travel Advance without the specific certification of the treating physician of Apollo Hospital, Chennai to the effect that "Mr. Travel for the patient is absolutely necessary". The certificate referred to in your representation, that the patient is "medically fit to travel by air", is only a certificate of fitness and can not be treated a certificate of essentiality. Moreover, the approval of the Director, CGHS is also required for the said purpose.

In view of the above, he is asked to submit a fresh TA advance application for 2nd class Railway class for the proposed journey within 2(two) days from the date of receipt of this letter, for grant of TA advance. Further, in this connection, it may be mentioned that considering the gravity of the case and, on the basis of the Medical Certificate of the treating physician of GMCH, Air fare was granted provisionally subject to the approval of the competent authority. However, the matter has been taken up with the Joint Director, CGHS who in his letter dt. 22.11.99 stated that the Air fare for the journey undertaken on the earlier occasion may not be reimbursed if the approval for the same is not received from the Director, CGHS, New-Delhi. As such his above mentioned air fare claim can not be reimbursed until the receipt of the approval of the Director, CGHS, New-Delhi.

The release of Medical Advance of Rs. 30,000/- on an earlier occasion related to a different instance and can not be automatically treated as having a bearing with the present proposal.

[Authority: DAG(ADMIN) order dated: 22/12/99 at page-29(n) in file No. Admin-II/BG-MDL/TA/99-2000]

To:  
Sri Bimalendu Gupta, Sr. Acctt.  
Record Section,  
Office the A.G.(A & E), Assam, Guwahati-29.

Sr. Account Officer (Admin).  
वरिष्ठ खाता अधिकारी,  
Sr. Account Officer,  
संसदेशाकार (ल. एवं द. व.) का कार्यालय,  
S/o the Accountant General (A&E),  
सत्रम, गुवाहाटी,  
Assam, Guwahati.



**Apollo  
Hospitals  
Chennai**

18/0

Annexure-5  
Dr. DEEPAK ARJUNDAS  
M.D. (Med), D.O.M. (NEURO) D.P. Neuro (Lon) F.R.S.H. (Lon) FAIMS  
CONSULTANT NEUROLOGIST & NEUROINTENSIVIST

CONSULTATION HOURS:  
4.00 - 6.00 P.M. - MONDAY to FRIDAY

Angiota Graph

Slime	1-2-1	Delayed L	
		from	8.30 A.M. to 12
Trigeminal	4-2-1	Neck pain J-Sym	6-7-1 fully
Diabetes	1-1-1	3 sides	
Alzheimer	1-2-0	3 sides	disturb
Worm			

Buy Decadurhelin  
store in one in 3 boxes  
Directions take

15.00

Entire 45 gm serum will be 2  
for Green

Vivekananda

ANU MAT Call Now

Medically fit to travel  
by AIR

1/2

1/2  
-1/2

21, Greams Lane, Off. Greams Road,  
Chennai - 600 006.  
Tel : 8293333, 8290200 Fax : 01-44-8291761.  
Greams : Apollo Hosp. Tlx : 41-6419 AHEL-IN  
Regd. Office : 19, Bishop Garden, Chennai - 600 028.

For Appointments Contact :  
8293333, 8290200, Extn. : 2449  
8553434 / 8553117 / 8553122  
For Emergencies Contact :  
6411772 / 6411657

For Ctr. 48148-72

OFFICE OF THE ACCOUNTANT GENERAL ( A & E ), ASSAM,  
MAIDAMGAON :: BELTOLA :: GUWAHATI-29.

No. Admn-II/BG-MBL/TA/99-2000/579

Dated 29-12-99.

With reference to his representation dt. 16-12-99 and dt. 28-12-99 and in continuation to this office letter No. Admn-II/BG-MBL/TA/99-2000/567 dt. 23-12-99, Sri Bimalendu Gupta, Sr.Acctt. is hereby once again asked to submit immediately a fresh estimate of Apollo Hospital, Chennai required for the purpose of sanction of Medical Advance for follow-up treatment of his wife Smti Ajanta Gupta as advised on the prescription dt. 28-12-99 by the attending physician on completion of treatment (OPD) of Smti Ajanta Gupta.

As regards, reimbursement of Air travel both ways for follow-up treatment of his wife, Sri Bimalendu Gupta, Sr.Acctt. is hereby asked to furnish a fresh recommendation of the treating physician of the Guwahati Medical College Hospital, Guwahati regarding the necessity of Air travel for follow-up treatment duly approved by the competent authority as per The Joint Director, CGHS, Guwahati letter No. B.12016/1/99(2)/3533 dt.24-12-99 (copy enclosed) for initiating follow up action in this regard.

AUTHORITY ::-- DAG (Admn)'s orders at Page 32<sup>N</sup> of file  
 No. Admn-II/BG-MBL/TA/99-2000

To,  
 Shri Bimalendu Gupta,  
 Sr. Accountant,  
 O/o The A.G. (A & E), Assam,  
 Guwahati-29.

*(Signature)*  
 Sr. Accountant Officer (A)

*(Signature)*  
 Sr. Accountant Officer,  
 O/o the Accountant General (A&E),  
 Assam, Guwahati-29.

*(Signature)*  
 21/12/99

Govt. of India,  
Ministry of Health & F.W.,  
Dte. General of Health Services,  
Central Govt. Health Scheme,  
Zoo Narengi Tiniali,  
Guwahati- 3.

Dt. 24/12/99

No.D.12016/1799(2)/3533

To,  
The Sri. Accounts Officer,  
o/o the Accountant General(A&E),  
Assam, Beltola, Guwahati.

Sub : Clarification on air travel for  
medical treatment - regarding.

Sir,

Reference your letter No. Admn.2/Ghy/Bills/1-18/TA/99-2000  
/584 dated 21.12.99 the undermentioned points are forwarded  
for your classification on the above subject:-

1. Smt. Ajanta Gupta w/o Shri Bimalendu Gupta was permitted  
to attend Apollo Hospital, Chennai with two escorts only vide  
our letter No.D.12016/1/99(1)/2015-1018 dated 14.9.99 wherein no  
mention of air travel has been made.

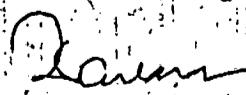
As permission for air travel can only be granted by the  
Min. of H.S. FW on recommendation of Director, CGHS, we requested  
the latter to grant air travel permission on the basis of the  
advise of Guwahati Medical College Hospital (Vide GMCH letter  
No. NIL dated 9.9.99).

2. The suitable mode of journey can only be judged by the  
treating physician/hospital for a patient. Therefore, regarding  
return journey, the Apollo Hospital, Chennai has to advise about  
the absolute necessity of air travel by the patient.

For the follow up treatment, we are at this stage unable  
to comment as there is no record of treatment by CGHS/the refe-  
rring doctor of GMCH. It is also stated that for a second air  
travel by the patient for review at Apollo Chennai, a fresh re-  
commendation regarding two escorts and absolute necessity of air  
travel from the specialist of GMCH who initially referred the  
patient to Apollo Hospital is necessary.

Therefore, on the basis of our earlier permission letter  
No.D.12016/1/99(1)/2017 dated 14.9.99 to and fro air travel  
to Shri Bimalendu Gupta can not be treated admissible, unless  
the above conditions are fulfilled.

Yours faithfully,

  
( Dr. B. Saikia )  
Joint Director.

20  
Annexure - 1

GUWAHATI MEDICAL COLLEGE & HOSPITAL  
OBSTETRICS & GYNAECOLOGY DEPARTMENT

Hospital Regn. No. 7352/99 dated 16.08.99

Hospital No. B 14107 dated 16.08.99

Date :- 10.01.2000

TO WHOM IT MAY CONCERN

This is to certify that Mrs Ajanta Gupta, age 34 years, wife of Sri Bhulendu Gupta, was referred to Apollo Hospital, Chennai, on 09.09.99. As per advice of Apollo Hospital, she is advised to go to Apollo Hospital, Chennai, for follow up.

She is medically fit to travel by air both ways.

2 (Two) escorts are allowed.

Approximate estimated cost of investigation / treatment is Rs 30,000/- (Rupees Thirty Thousands) only. The cost will not be borne by the Government of Assam.

*DR. R. MEDHI  
16/1/2000*

(Dr. R. Medhi, MD)

*Asstt. Professor  
Dept. of Obst. & Gynaecology  
Guwahati Medical College*

(21)

Annexure - 8

Dr. R. N. Pathak, M. D.  
Professor of Medicine M.D.  
Guwahati Medical College

Residence & Chamber  
Rajpath Link Road  
Guwahati - 781 007  
Phone - 540422

Date 21.1.2000

Mrs. Ajanta Deka 35 yrs  
as夫 wife of Dr. Deka  
Apollo Hospital, Chennai one friend  
Report Akhil and we earliest

21.1.2000

Dr. Dilip Ghosal D.H.M.S  
GUWAHATI, ASSAM  
Regd. No. : 388 (A)

(22)

Answered 9

To whom it may concern

This is to certify that Mrs. - Ajanta Gupta w/o Mr. B. Gupta was serious on 28th April 2000 and on call at 10 P.M attend at her residence.

After examine she was advise to consult the Apollo doctor's from whom she was taking treatment and also advised to avoid their journey which may fatal her life.

Dilip Ghosal  
19/5/2000  
Dr. Dilip Ghosal  
Revd. Fr. ...

AnsweR-TO

Dear Dr Alvaro

I would like Mrs Augusta Cuyler  
with 1/666/277 Removal for  
Lenten movement  
with vessels

Yours sincerely

Vel  
Sundar

Dr Alvaro  
Apollo Hospital  
New Delhi

2A

Annexure- 10A

Dr. R. SRIDHARAN, M.D., D.M. (Neuro), M.P.H.A.S  
Consultant Neurologist

553658

31/5/2000

Ms. Ajitha (age - 34) F

Somato-sensory anxiety

NEURO - brain, Cervico, dorsal, Dorsal, spinal - norm

Adv Endocrinology opinion.

Rx

1) ZOLOFT 25 mg daily 1 — x 3 months

2) Tiziana 1 mg at bed time — — 1 x month

3. 5 mg at bed time — — 1 x month

4. 2.5 mg at bed time — — 1 month

Neurology: anxiety

1) sero. Fexofit 1 daily 1 — x 3 months

2) Prolactin 5 mg 1 daily 1 — x 3 months

3) Neurulox 1 daily 1 — x 3 months

Neurologically fit for discharge

Apollo Hospitals

21, Grams Lane, Off, Grams Road, Chennai - 600 008

Tel : 8293333 / 8290200 Fax : 91-44-8266761 / 8234429

Regd. Office : 19, Bishop Garden, Chennai - 600 028

E-mail: ahsel@vsnl.com



Neurologist  
Apollo Hospital  
Consultant  
Apollo Hospital,  
India

Neurological Society of India  
Indian Epilepsy Association  
Indian Academy of Neurology

Dr. MUKUL VARMA  
M.D., D.M.  
Neurophysician

Anteroom - 10B  
Indraprastha Apollo Hospital  
Malhotra Road, Sarita Vihar  
New Delhi 110 044  
Phone: 6925850, 6925801, Ext 1060  
Fax 91-11-6823679  
Consultation daily 9:00AM to 1:00PM

Apollo Clinic  
13 New Rajdhani Enclave, Vikas Marg  
Delhi 110 092  
Consultation: Thurs only 7:00 - 8:00 PM  
For appointment call 2222146, 2212825

Residence  
1376, Sector 37, Noida, 201 303  
Phone from Delhi: 91-4575440  
From outstation: 0118-4575440  
E-mail: [mvvarma@vsnl.com](mailto:mvvarma@vsnl.com)  
By appointment only

8.6.80

Sunita Agarwal Gupta,

? ? Chronic fatigue syndrome

Rp. Good protein diet  
• Tab. Tryptomer (10)  
1 tab at bedtime

M. Varma

1 month  
ESR ↑  
Immunological -  
↓

Tab. Proctin (4 mg)  
1/2 tab TDS  $\frac{1}{2}$

300 mg / day  
1 month  
Syp Haem. 1/2 TDS  $\frac{1}{2}$

↑ Body aches - since '93  
Fatigue -  
Insomnia & lack of concentration  
ESR ↑ for long time  
Other test - No. O.  
(AKL)

• ESR 140 mm in 1st hr  
Speech / N  
Gait Ns / N  
No visual deficit  
Motor / N  
Sensory / N  
Reflexes / N

last ESR  $\rightarrow$  40 mm in 1st hr  
186.9.3 mg)

If no relief, add.

• Tab. Naprosyn (250) ~~1x12~~  
1x3 D  $\rightarrow$  after meals  
1/2 tab / week

M. Varma

Avoid long journeys..

Travel by air.

PTG 1000

Dr. M. Varma  
Apollo Hospital  
Consultant:  
Apollo Hospital,  
India  
Neurological Society of India  
Indian Epilepsy Association  
Indian Academy of Neurology

Dr. MUKUL VARMA  
M.D., D.M.  
Neurophysician

26

Amrit Ex-100-11  
Indraprastha Apollo Hospital  
Mathura Road, Smita Vihar  
New Delhi 110 044  
Phone: 6925050, 0925001, Ext 1000  
Fax 91-11-6923628  
Consultation daily 9.00AM to 1:00PM

Apollo Clinic  
13 New Rajdhani Enclave, Vikas Marg  
Delhi 110 092  
Consultation: Thurs only 7:00 - 8:00 PM  
For appointment call 2222146, 2212025

Residence  
1376, Sector 37, NOIDA 201 303  
Phone from Delhi 91-4575440  
From outstation: 0118-4575440  
E-mail [mvarma@vsnl.com](mailto:mvarma@vsnl.com)  
By appointment only

12-6-00

Mrs. Jayanta Gupta,

A-  
1. Chronic fatigue syndrome  
2. Osteopenia.

Bone densitometry

M Varma

Prochlor (100)

1/2 x 7.5

Take up 1.5 7.5

3 mult 1  
M Varma

Rev. on activity, Exerc. / Gym.

Review of 6 3 mill.

M Varma

Pain in back.  
↑ by walking

28

Ansers Ure- 12

From:- Bimalendu Gupta  
 Sr Accountant  
 A.G. (ATE) Assam G. 29  
 on Leave at Chennai  
 for wife's Treatment.

02-06-2000

To

The Accountant General  
 (ATE) Assam, Gauhati 29.

Sir,

With reference to your letter dated  
 10-05-2000, my wife was examined by Apollo  
 Hospital Madras and referred to Indraprastha  
 Apollo <sup>Second</sup> for opinion. Kindly sanction  
 my journey of <sup>for my wife</sup> New Delhi by Air. Expecting your  
 kind confirmation by 4 Pm. today or 2-06-2000 at  
 A.G. (ATE) Tamil Nadu Fax No. 044-4320562.

Thanking you,

Yours faithfully

B. Gupta

216  
 (Bimalendu Gupta)

THEP.FACSIMILE  
T-303142

START TIME  
JUL. 16 09:51AM 01'08

USAGE TIME  
01'08

MODE

TX

PAGES

01

RESULT

28

JUL. 16 2000 09:53AM

OK

ANSWER

ANSWER - 13

The Accountant General (A.G) Assam  
Guwahati-29.

Sir,

I beg to invite your attention to the following  
for necessary action and your kind information to  
HQ for doing the needful.

(1) Investigation of Mrs. Ajanta Gupta as per  
medical advice of Apollo Chennai is over at Indraprastha  
Apollo New Delhi on 15-06-2000 & suggested treatment. Details  
for Air travel to Guwahati submitted to HQ for releasing  
Airfare including m.e. and to the Min. of H&FW. Your kind  
intimation to HQ for releasing fund for Airtravel to Ghy  
on 17-06-2000 please be made to-day to avoid any delay.

(2) HBA for purchasing a plot of Land released by  
HQ on 8/6/2000 for budget 2000-01. Kindly arrange to release the amount  
Rs. 3.00 (approx) in one time payment as stated in my application dated  
24-03-2000 to HQ. If any clarification is needed the matter kindly be  
taken up with HQ (Bgt) to release the fund. Leave Est. solicited.

Dated, New Delhi,  
16-06-2000

Yours faithfully,  
B. Gopal

int/came 15/6

29

**OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM, BELTOLA, GUWAHATI-29.**

Memo No. Admn-II/BG Mdl./99-2000 /25

dt.28.04.2000

With reference to his representation dated 26.4.2000 & a photo copy of directive dt. 25.4.2000 issued by the Hon'ble C.A.T. Ghy Bench OA No.149/2000 regarding grant of both ways Air fare and Mdl. Advance in connection with the follow up treatment of his wife Smti. Ajanta Gupta at Apollo Hospital, Chennai, Shri Bimalendu Gupta, Sr. Accountant of this office is hereby informed that his above said representation has been thoroughly examined in the light of the existing CS (MA) Rules 1944 and it is found that in the absence of any essentiality certificate from the concerned Medical Authority, his prayer for grant of Air fare both ways cannot be entertained.

However, he is once again asked to submit a fresh T.A. Advance proposal for entitled Railway class for the said purpose. In this regard Para-3 of this office earlier communication No. Admn-II/BG-Medl/99-2000/567 dated 23.12.99 to him may also be referred to.

In this connection Appendix-VII (1) to CS(MA) Rules 1944 and a medical certificate dated 24.2.2000 issued by Smti. A.Gupta's treating physician of G.M.C.H., Ghy., a copy of which was already endorsed to him vide this office letter No. Admn-II/BG-Mdl/TA/99-2000/818 dt.6.3.2000 may be referred to.

As regards grant of Medical advance, he is asked to furnish the tentative date of his outward journey to Apollo Hospital, Chennai, so that the admissible amount of Medical advance as prayed for, could be drawn and sent to the concerned Hospital well in time.

This disposes of his representation dated 26.4.2000.

*Received at  
1.50 pm on 28/4/2000  
B. Gupta  
(15/2000)*

Shri Bimalendu Gupta, Sr.Acctt.  
Record @ Section.  
O/o the A.G. (A&E), Assam, Guwahati.

*R. Singh*  
28/4/2000  
Dy. Accountant General (Admn)  
उप महालेखाकार (ग.)  
Dy. Accountant General (Admn.)  
महालेखाकार का कार्यालय (ले.एवं ह.)  
O/O the Accountant General (A&B)  
असम, गুৱাহাটী  
Assam, Guwahati



# Apollo Hospitals Chennai

## Annexure - 5.

**Dr. DEEPAK-ARJUNDAS**  
M.D., (Med). D.M. (NEURO) Dip. Neuro (Lon) F.R.S.H. (Lon) FAIMS  
**CONSULTANT NEUROLOGIST & NEUROINTENSIVIST**

**CONSULTATION HOURS:**  
**4.00 - 6.00 P.M. - MONDAY to FRIDAY**

## 1. *Agrelo (en ph)*

Salme	1-2-1	7 days	✓	
			then	→ Sabbath 12
Träger	1-2-1	10 days	✓	10 day
Ölwein	1-1-1	3 days	✓	
Myrra	1-2-2	6 days	✓	3 days

Entire upper down hill  $\frac{1}{2}$   
fin. Glare.

Uncorrected

## YOU MAY CERTIFY

Medically fit to travel  
L.M.

100  
100

21, Greams Lane, Off. Greams Road,  
Chennai - 600 006.  
Tel : 8293333, 8290200 Fax : 01-44-8291761.  
Grams : Apollo Hosp Tlx : 41-6419 AHEL IN  
Regd. Office : 19, Bishop Garden, Chennai - 600 029

For Appointments Contact :  
8293333, 8290200, Extn. : 2449  
8553434 / 8553117 / 8553122  
For Emergencies Contact :  
6411772 / 6411657

1898. 44.4. 1874. 2

Central Administrative Tribunal

25 APR 2000

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunal's Act, 1985)  
O.A.No. 199/2000.

Sri Banalendu Gupta ...

Applicant.

-Versus-

Union of India & Ors. ...

Respondents.

I N D E X

Sl.No.	Annexure	Particulars of the documents	Page No.
1.		Application	
2.		Verification	
3.	Annexure-1		
4.	Annexure-2		
5.	Annexure-3		
6..	Annexure-4		
7.	Annexure-5		
8.	Annexure-6		
9.	Annexure-7		
10.	Annexure-8		

For use in Tribunal's Office :

Date of filing :

Registration No. :

Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. \_\_\_\_\_/2000

Sri Bimalendu Gupta ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

PARTICULARS OF THE APPLICANT

i) Name of the Applicant :- Sri Bimalendu Gupta.

ii) Name of Father :- Late Biswanath Gupta

iii) Designation and Office in which employed. :- Senior Accountant  
Office of the A.G. (A&E)  
Assam, Beltola, Maidamgaon,  
Guwahati-781 029.

iv) Office Address :- Office of the A.G. (A&E)  
Assam, Beltola, Maidamgaon,  
Guwahati-781 029.

v) Address for service of Notice. :- Office of the A.G. (A&E)  
Assam, Beltola, Maidamgaon,  
Guwahati-781 029.

Bimalendu Gupta

Contd. = 2 =

Filed by —  
Moushumi Deka  
Advocate  
On 25.4.2000

1. Union of India

Represented by the Secretary to the  
Govt. of India,  
Ministry of Health & Family Welfare  
(Department of Health) Nirman Bhawan,  
New Delhi.

2. Comptroller of Audit or General

of India, Bahadur Shah Zafar Marg,  
Indraprastha Head Post Office,  
Post Box No.-7, New Delhi-2.

3. Accountant General (A&E), Assam,

Maidamgaon, Beltola, Guwahati-781 029.

4. Director General of Health Services,

Central Govt. Health Scheme,  
Nirman Bhawan, New Delhi-1

5. Deputy Accountant General (Admn),

Office of the A.G. (A&E), Assam,  
Maidamgaon, Beltola, Guwahati-29

6. Sri Tengjam Sidhartha Singh,  
Deputy Accountant General (Admn)

Office of the A.G. (A&E), Assam,  
Beltola, Maidamgaon, Guwahati-29

7. Joint Director,

Central Govt. Health Scheme  
Ministry of Health & Family Welfare,  
Ananda Kutir Path,  
Zee Tiniali, Guwahati-3.

8. Sr. Accounts Officer (Estt. & Bills)

Office of the A.G. (A&E), Assam,  
Maidamgaon, Beltola, Guwahati-29.

9. Sri Bijit Kumar Das Purkhyastha,

Sr. Accounts Officer (Estt. & Bills)

Bimalendu Goyal

Office of the A.G. (A&E), Assam,  
Meidamgaon, Beltola, Guwahati-29.

... Respondents.

DETAILS OF APPLICATION

**1. PARTICULARS OF THE ORDER/ORDERS AGAINST WHICH THE APPLICATION IS MADE :**

A. This application is made against order date

23.12.99 vide Memo No. Admn.-11/BG-MDL/TA/99-2000/

567 and inaction by the respondents for sanctioning

Medical advance for treatment of wife of the applicant

Mrs. Ajanta Gupta.

**1. JURISDICTION OF THE TRIBUNAL :**

The applicant declare that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

**2. LIMITATION :**

The applicant declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal's Act, 1985.

**3. FACTS OF THE CASE :**

1. That your humble applicant is the citizen of India and as such he is entitled to all the rights and privileges guaranteed in the constitution of India

and presently he is the employee under Respondents No. 3 and at present he is senior Accountant Stationed at Guwahati.

2. That you humble applicant is a married one and has got wife and one daughter. Under the CCS(MA) Rule 1944, the wife of the applicant is entitled for treatment.

3. That you applicants wife is suffering from different ailment including Menorrhagia low gracle fever and weight less, back pain etc. On recomandation of the physicien Dr, Sri Robin Medhi, Asstt. Professor O/G, Dept. of GMCH, Guwahati. The applicants wife was treated at Appelo Hospital at Chennai. An amount of Rs. 30,000/- was sanctioned vide letter dated 15.9.99. She was treated at Appelo Hospital Chennai, from 19.9.99 to 28.9.99, and the attending Dectors opined that a further period of would be required for the treatment and accordingly the Hospital authority (Finance Dept) sent a fax message to Respondent No. 3 to remit immediately a sum of 30,000/- for more investigation of the patient.

A copy of the Fax message as ~~xx~~  
referred in enclosed herewith  
and marked as Annexure -I

Bimaleshwar Gupta'

Centd...

4. That you humble petitioner begs to state that there being no response from Respondent No. 3 the Hospital authority suspended investigation and advised her to report to the Hospital after 3 months.

A copy of the said document dated 28.9.99 enclosed herewith and marked as Annexure -2

5. That you humble applicant begs to state that by this time, the condition of the applicant wife is deteriorating day by day and approached the Respondents requesting there to sanction amount for medical expense as well as travel allowances. In the mean time she was treated by local doctor at Guwahati and ever today she is under medical treatment.

A letter to respondent No. 3 written by the applicant dated 16.12.99 is enclosed hereto and marked as Annexure -3.

6. That you humble applicant begs to state that he was cut to the quick when he received the letter of the Respondent No. 8 where it was written that a fresh certificate was to be obtained from Appalow Hospital regarding Air-travel though already certificate has been

filed copy of which is annexed again.

A copy of the letter dated

23.12.99 written by Respondent

No. 8 and a medical certificate

~~xxxxxxxxxxxxxxxxxxxx~~ from Apollo Hospital is

Annexed as Annexure 4 & 5.

7. That you humble applicant begs to state that he got another <sup>letter</sup> common cotton from Respondent No. 8 who wrote to him to ~~xxxxx~~ furnish a fresh recommendation of the ~~xxxx~~ treating physician of the Guwahati Medical College Hospital, Guwahati regarding the necessary of Air-travel for follow-up treatment.

A copy of the said letter

date 29.12.99 is disclosed

hereto and marked as Annexure-6.

8. That your humble applicant begs to state that his wife who is under medical treatment under Dr. R. Medhi attending physician and Asst. Professor of O & G of GMCH, Guwahati has opined that the wife of applicant can be shifted to Chennai by air only.

*Bimalendu Gupta*

Contd....

A certificate dated 10.1.2000

Dr. R. Medhi is enclosed herewith  
and marked as Annexure -7.

9. That your humble applicant begs to state that the condition of his wife is deteriorating day by day and on 21.4.2000 she was advised immediately to shift to Chennai.

A copy of medical document is enclosed herewith and marked as Annexure -8,

10. That your humble applicant beg to state that delay may bring danger to the wife of the applicant and ~~unless~~ something unexpected may happen.

GROUND FOR RELIEF WITH LEGAL PROVISIONS:

1. For that the impugned order i.e. Annexure 4 is violative of Article 14, 16 and 21 of the Constitution of India affecting the legitimate rights and right to life of the applicant.

2. For that the impugned order is liable to be set aside in view of Annexure -1.

Ramchandra Upadhyay

Contd...

3. For that in view of Annexure 2,7 & 8 the Respondent No. 3 is requested to sanction the retain the medical and air travel allowance as as per the existing rules to the applicant.

4. For that inaction on the part of Respondent No.3 has led the case of the applicant to despire and it is obligatory on the part of Respondent No. 3 to disp grant immediately medical as well as air travel allowance.

5. For that the impugned order is liable to be set aside is view of Annexure 7 & 8.

6. For that it is a fit case where this Hon'ble Tribunal can invoice his jurisdiction to interfere with the matter.

7. For that the equity and good conscience need interreference by this Hon'ble Tribunal.

8. For that it is a fit case where this Hon'ble Tribunal can intervene in the interest of Justice.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declare that he has no other alternative or efficacious remedy except by way of filing this application before this Hon'ble Tribunal.

Bimal Patel

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT/TRIBUNAL :

The applicant further declaresthat he has not filed any application, writ petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or Suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above the applicant most respectfully pray that the Hon'ble Tribunal may be pleased to grant the following reliefs to the applicant :

8.1. Order may kindly be passed directing the respondents<sup>No. 345</sup> to cancel/withdraw/review or any appropriate order dated 23.12.99 i.e. Annexure-4 with a further direction to sanction grant as Medical advance including Air Travel expenditure.

8.2. To direct the respondents so that the applicant is getting complete justice.

9. INTERIM RELIEF IF ANY SOUGHT FOR :

Under the facts and circumstances stated above the applicant prays to stay the impugned order dated 23.12.99 and with direction<sup>To Respondent No. 345</sup> to pay the applicant the Medical advance Rs.30,000/- and Air Travel Expenditure of the applicants wife including attendants for both ways.

10. The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

(i) I.P.O. NO. : OG 494795  
(ii) Date of Issue : 22.4.2000  
(iii) Issued from : Guwahati G.P.O.  
(iv) Payable at : Guwahati G.P.O.

12. LIST OF ENCLOSURES :

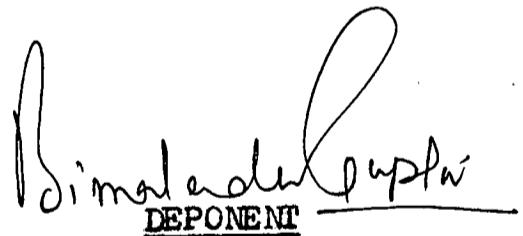
As stated in the INDEX.

Verification....

VERIFICATION

I, Shri Bimalendu Gupta, son of Late Biswanath Gupta, aged about 44 years, presently working as Senior Accountant in the office of the Accountant General (A&E), Assam, Moidamgaon, Beltola, Guwahati-781 029 do hereby verify that the contents made from para 1, 2, 3, 3<sup>2</sup>, 4, 5, 6, 7, 8, 9, 10 are true to my knowledge and those made in paragraphs 10 are derived from records which I believe to be true and those made in paragraphs 6, 7, 8, 9, 10 of the application are true to my legal advice and rest are humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts in this case.

And I sign the verification on this 25<sup>th</sup> day of April, 2000 at Guwahati.

  
Bimalendu Gupta  
DEPONENT

Annexure - 1

Dt. 24.09.99

FAX NO 91 44 8234429

TO :

THE ACCOUNTANT GENERAL  
(A & E) ASSAM  
GUWAHATI - 29

Subject: Requisition for remittance of Thirty Thousand  
for treatment of Mrs. Ajanta Gupta Hospital token  
No 553658.

\*\*\*\*\*

Sir,

With reference to your letter No. Admin. 2/BB-MDLADV/99-2000/362  
Dated 15.09.99 enclosing B/D No. 980281 dated 15.9.99 for Rs.32000,  
received by this Hospital for the investigation /treatment of  
Mrs. Ajanta Gupta w/o B Gupta of your office, we require an  
additional amount of Rs.10,000/- for further treatment of the  
patient.

Please confirm the remittance in two days. We will send you the  
statement of account on completion of treatment.

yours faithfully  
for APOLLO HOSPITALS ENTERPRISE LTD

V. VENUGOPAL  
GENERAL MANAGER - FINANCE

Our Fax No. 91 44 8234429  
Email abel @ vsnl.com.

DR. R. VARADARAJAN, MD, DCH  
Consultant Haematologist

28-9-99

Re: by Dr Ashish Aneel RD

File Ankita Gupta 3447E

Sug: Adi.

① Tab. folinic acid ①  
once daily after breakfast & dinner  
② Tab. Alendronate ① once daily  
after dinner X

**Apollo Hospitals**

21, Greams Lane, Off. Greams Road, Chennai-600 006 Ph. 8277447  
Rogd. Office: 19, Bishop Garden, Chennai-600 028

E-MAIL: chennai.apollo@gems.vsnl.net.in

INTERNET: <http://www.apollohospitals.com>



To

The Accountant General (A&E) Assam,  
Meidamgauam, Guwahati-29.

Subject: Payment of Medical Advance and  
Travelling Advance.

Sir,

I beg to invite your kind attention to my application dated 5.11.99 regarding payment of Re-imbursement out of the medical treatment cost and Air fare amounting to Rs.10,000 (Rupees ten thousand approx.) only. But till date Establishment & Mills fails to intimate nor made payment, as a result the interim <sup>to treatment</sup> grant up to the patient is badly disturbed due to paucity of money.

Further I like to mention that as per Medical advice of Apollo Hospital Ent. Ltd. Chennai it is time to attend Apollo Hospital for follow up treatment.

That sir as per telephonic information it was confirm that an amount of Rs.30,000/- (Rupees thirty thousand) only was sanction as per Apollo FAX dated 24.09.99 but the same was not paid to Apollo due to deferred the treatment till last part of December, 1999. Necessary arrangement may kindly be made to payment of the said amount to Apollo Hospital for follow up treatment of my wife Mrs. Ajanta Gupta as per medical advice. The medical advices are already submitted to Establishment-2. in time.

That sir, in addition to Medical advance the travelling advance by Air as per medical advice for to and fro Chennai may also kindly be released soon so that the patient with attendant can able to avail the treatment without any further delay.

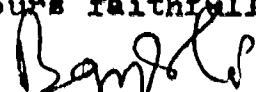
In this regard a fresh approval of the Joint Director CGHS need not required as it is within the time limit of its original sanction order dated 14.09.99.

Under the circumstances necessary action and order may kindly be passed to release the above payment and enable me to meet the treatment at Apollo Hospital Chennai <sup>by 29-11-99</sup> as per medical advice of Apollo Hospital without any further lapse.

For this act of your kindness I shall remain ever grateful.

Dated, Guwahati  
the 16th Dec. '99

Yours faithfully

  
( Bimalendu Gupta )  
Senior Asstt/Rec-(C)

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM,  
BELTOLA, GUWAHATI-29.

No. Admin-II/BG-MDL/TA/99-2000/567

Dated: 23/12/99.

With reference to his representation dated 16/12/99(received on 20/12/99), Sri Bimalendu Gupta, Sr. Acctt., is hereby asked to submit immediately a fresh estimate of Apollo Hospital, Chennai, required for the purpose of sanctioning of medical advance regarding follow up treatment of his wife Smt. Ajanta Gupta.

As regards grant of TA for undertaking journey by Air for the aforesaid purpose, it may be stated that it would not be possible to release the air travel Advance without the specific certification of the treating physician of Apollo Hospital, Chennai to the effect that "Air Travel fee for the patient is absolutely necessary". The certificate referred to in your representation, that the patient is "medically fit to travel by air", is only a certificate of fitness and can not be treated a certificate of essentiality. Moreover, the approval of the Director, CGHS is also required for the said purpose.

In view of the above, he is asked to submit a fresh TA advance application for entitled Railway class for the proposed journey within 2(two) days from the date of receipt of this letter, for grant of TA advance. Further, in this connection, it may be mentioned that considering the gravity of the case and, on the basis of the Medical Certificate of the treating physician of GMCH, Air fare was granted provisionally subject to the approval of the competent authority. However, the matter has been taken up with the Joint Director, CGHS who in his letter dt.22.11.99 stated that the Air fare for the journey undertaken on the earlier occasion may not be reimbursed if the approval for the same is not received from the Director, CGHS, New-Delhi. As such his above mentioned air fare claim can not be reimbursed until the receipt of the approval of the Director, CGHS, New-Delhi.

The release of Medical Advance of Rs.30,000/- on an earlier occasion related to a different instance and can not be automatically treated as having a bearing with the present proposal.

[Authority: DAG(ADMIN) order dated 22/12/99 at page-29(n) in file No. Admin-II/BG-MDL/TA/99-2000]

To,

Shri Bimalendu Gupta, Sr. Acctt.  
Record<sup>o</sup> Section,  
O/o the A.G.(A & E), Assam, Guwahati-29.

Sr. Accounts Officer (Admin).

শ্রী অন্ত অধিকারী,

Sr. Accounts Officer

অন্ত অধিকারী (ল. এ. এ. এ.) অধীকারী

✓/✓ the Accountant General (A&E)

স্বাস্থ্য,

গুৱাহাটী

Assam, Guwahati.

Annexure - 6

OFFICE OF THE ACCOUNTANT GENERAL ( A & E ), ASSAM,  
MAIDAMGAON :: BELTOLA :: GUWALI-29.

No. Admn-II/BG-MBL/TA/99-2000/579

Dated 29-12-99.

With reference to his representation dt. 16-12-99 and dt. 28-12-99 and in continuation to this office letter No. Admn-II/BG-MBL/TA/99-2000/567 dt. 23-12-99, Sri Bimalendu Gupta, Sr. Acett. is hereby once again asked to submit immediately a fresh estimate of Apollo Hospital, Chennai required for the purpose of sanction of Medical Advance for follow-up treatment of his wife Smti Ajanta Gupta as advised on the prescription dt. 28-12-99 by the attending physician on completion of treatment (OPD) of Smti Ajanta Gupta.

As regards, reimbursement of Air travel both ways for follow-up treatment of his wife, Sri Bimalendu Gupta, Sr. Acett. is hereby asked to furnish a fresh recommendation of the treating physician of the Guwahati Medical College Hospital, Guwahati regarding the necessity of Air travel for follow-up treatment duly approved by the competent authority as per The Joint Director, CGHS, Guwahati letter No. D.12016/1/99(2)/3533 dt. 24-12-99 (copy enclosed) for initiating follow up action in this regard.

AUTHORITY ::- DAG (Admn)'s orders at Page 32<sup>N</sup> of file  
No. Admn-II/BG-MBL/TA/99-2000

To,  
Shri Bimalendu Gupta,  
Sr. Accountant,  
O/o The A.G. (A & E), Assam,  
Guwahati-29.

*29/12/99*  
Sr. Accounts Officer (A)  
Sr. Accounts Officer,  
O/o the Accountant General (A&E)  
S. Accts, Guwahati

*B26  
21/12/2000*

Annexure -7

GUWAHATI MEDICAL COLLEGE & HOSPITAL  
OBSTETRICS & GYNAECOLOGY DEPARTMENT

Hospital Regn. No. 735299 dated 16.08.99

Hospital No. B 14107 dated 16.08.99

Date :- 10.01.2000

TO WHOM IT MAY CONCERN

This is to certify that Mrs Ajanta Gupta, age 34 years, wife of Sri Bimalendu Gupta, was referred to Apollo Hospital, Chennai, on 09.09.99. As per advice of Apollo Hospital, she is advised to go to Apollo Hospital, Chennai, for follow up.

She is medically fit to travel by air both ways.

2 (Two) escorts are allowed.

Approximate estimated cost of investigation / treatment is Rs 30,000/- (Rupees Thirty Thousand) only; The cost will not be borne by the Government of Assam.

*DR. R. MEDHI*  
16/1/2000

(Dr R Medhi, MD)

*Asstt. Professor  
Dept. of Obst. & Gynaecology  
Guwahati Medical College*

A

**Dr. R. N. Pathak, M. D.**

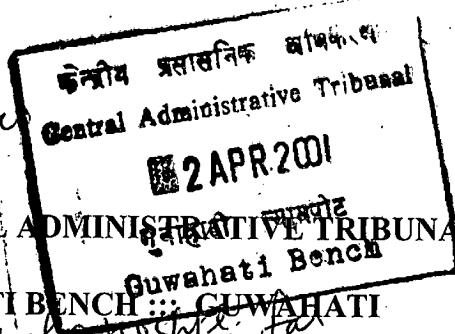
Professor of Medicine Rtd.  
Guwahati Medical College

Residence & Chamber  
Rajgarh Link Road  
Guwahati - 781 007  
Phone - 540422

Date 21.1.2000

Mrs. Ajanta Chakraborty  
35 yrs.  
as per advice of Dr. D. S. Deka  
Apollo Hospital, Chennai  
will be at the earliest.  
Report

Recon  
21.1.2000.



File No: 9  
Date: 20/3/01  
(B.C. Path k)

Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench; Guwahati

## **SHRI BIMALENDU GUPTA**

CHS fails - applicable.

.... Applicant

Eligibility  
eligibility  
eligibility  
eligibility

Eligibility  
Domiciliary visit  
- general case. (d)

Domicile - residential less  
para 10 - registration - { d - air  
page 2 - permission - travel  
UNION OF I

## UNION OF INDIA & OTHERS

Principle of health & physician

by min. of head  
by treating physician  
for foot abrasion - (J)  
1st foot abrasion - FLSR - Appendix - SP 16<sup>th</sup>  
... Re

### ... Respondents

(Written Statements filed by Respondents No.1 to 9)

obtain w/o ID treatment  
The written statements of

The written statements of the above noted respondents are as follows:-

1. That the copy of the O A No 149/2000 (referred to as 'application') has been served on the respondents. The respondents have gone through the same and understood the contents their of. The interest and the subject matter being

crossed out text

25.1.2002  
New limits made by 'A'  
for CHTS, rules not declared, ultra  
show that not applicable  
treat work under 2  
CHTS covered

25.1.2002

New hours worked by 'A' guild not dec'd  
M & Rolls (GHS) guild not applicable

Nothing to show that treatment under 2 systems  
- MAF  
- 22 simultaneous  
1 permitted  
1999 - 2001 - Intrans scheme - paid  
- MAF - employee to the Board  
- CHTS covered  
treatment under 2 systems

25.1.20  
New hours (9 AM - 1 PM) not to show that in  
- MAF  
- Nothing to show that in  
- Rule 22 simultaneous treatment  
not permitted  
on 2.9.81/99 - 2.9.3.01 - C.G.H.S covered by  
med & guided & MAF  
admissible & MAF  
cost of medicines + treatment paid  
- cost of TA  
excluding TA  
of travel  
- 164.00 what travel by air  
coming within their Govt. circular. on S. 12  
& Dige

FF15R  
FR-US B

- Onwards to 9<sup>th</sup> March 2020
- must be given & may be administered & medicines
- cost of medicines
- excepting TA
- 10:30 - 16:00, where travel by air, not coming within this zone.
- Referral care CHNs (T) - Treatment Physician
- CHNs Doctor
- ~~or post foot essentiality cert~~ - SPL provision - absolutely essential medical - fit to travel by air - is not the condition
- ~~208 - (S) certificate DMS - that government was unavoidable that they had not shown that their provisions complies with their provisions, ex. not for similar conditions~~

common, the respondents have filed this common, written statements for all of them.

2. That the statements made in the application which are not specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in para 1 & 2 of the application, the respondents have no comments to offer.
4. That with regard to the statements made in para 3 & 4 of the application, the answering respondents state that for the treatment of Smt. Ajanta Gupta, W / O of the applicant, the respondents initially sanctioned Rs. 32, 000/- (80 percent of the estimated amount of Rs. 40,000/-) (Annexure 1) and not Rs. 30,000/- as mentioned in the said para as medical advance on the basis of the estimate of Dr. R. Medhi, Asstt. Prof. O &G of Guwahati Medical College & Hospital, Guwahati (Annexure 2). Essential certificate for Air travel has not been issued as demanded by the respondents.

Secondly, on receipt of fax dated 24.9.1999 (Annexure 3) from the Apollo Hospital authority, Chennai intimating the further estimate of treatment, the Apollo Hospital authority agreed on telephone to extend the time limit by another two days (that is up to 28 Sept. 1999) to confirm the remittance of additional amount Rs. 30,000/- and they also agreed to continue with the treatment. A fax message in this regard was also sent on 28.9.1999 (Annexure 4) to the Hospital authority and accordingly a Bank Draft of Rs. 24,000 /- ( 80% of Rs. 30,000/- as per estimate of the Apollo Hospital, Chennai) was obtained on 29.9.99. But the despatch of the Bank draft was held up on receipt of a telephone call on 29.9.1999

(Annexure -5) from the applicant from Chennai to the respondents that the amount of Rs. 30,000/- as asked for need not be sent now.

Further, on that day itself over telephone the General Manager (GM) of the Apollo Hospital, Chennai was asked by the respondents to verify the facts from Shri Gupta and let them know the actual position regarding remittance of the above said draft. Though the Apollo Hospital authority assured respondents that after verification of the facts they would get back to us, but the Apollo Hospital did not do so. Also no reply from the Hospital Authority was received to the FAX dated 28.9.99 and 30.9.99 ( Annexure 4 & 6) in this regard. Mean while, Smt. Gupta was released from the Hospital with an advice to report back after three months (Annexure 6 & 7) but no where it was stated in any document of the hospital authority that the treatment was suspended due to non receipt of additional amount of Rs. 30,000/- as Shri Gupta has stated in his petition to the Hon'ble Tribunal.

5. That with regard to the statements made in Para 5 and 6 of the application, the respondents state that as regards sanction of Medical Advance as well as Travelling Allowance Advance as stated by the applicant in his representation dated 16.12.99 (annexed with O.A. marked as Annexure - 3) for follow up treatment of the applicant's wife, it may be mentioned that the applicant has not submitted any fresh estimate for medical advance and essentiality certificate for

air travel neither from Apollo Hospital nor from the treating physician of Guwahati Medical College Hospital as required under Govt. of India, O.M. dated 7.4.1999 and 1. 9.1999(Annexure 8, 8A& 8B). He is a CGHS beneficiary. For Air travel, permission of Govt. of India, Ministry of Health and Family Welfare is required in term of O.M. dated 7.4.1999. Accordingly, the applicant was asked to submit estimate for medical advance and essentiality certificate to the effect that Air Travel for the patient is absolutely necessary for grant of T.A. for Air Travel (vide Annexure – 9). Shri Gupta, however, submitted an advice slip of Apollo Hospital, Chennai (Annexure 10) wherein it was simply noted that the patient as "Medically fit to travel by Air", which could not be treated as an essentiality certificate for Air Fare. Also he did not obtain the approval of CGHS and Govt. of India, Ministry of Health and Family Welfare in this regard. Further, regarding her treatment by the local Doctor at Guwahati he did not furnish any information to this office or to the CGHS dispensary.

Smt. Gupta was all along treated in an Out Patient Department during the period under report. In this connection as per Rule, a patient treated in O.P. Department of any Hospital is required to procure medicine from the concerned CGHS Dispensary (Annexure – 2). The treatment in Private Hospital or by Doctor requires prior approval of CGHS also. But there is no such record ever submitted by Sri Gupta that prior approval of CGHS was obtained nor did he apply for ex-post facto approval of CGHS after completion or for continuance of treatment of his wife at Guwahati.

The applicant has referred to two certificates (Annexure 7 & 10) issued to the patient in September '99 for grant of additional advances. These cannot be treated as one for follow up treatment after three months. The said additional advance is related to initial treatment only. The applicant in his reply to the respondents vide communication dated 23.12.99 again mentioned about additional amount of Rs. 30,000/- as advised by the Apollo Hospital, Chennai but did not submit any fresh estimate as called for by this office. The applicant's wife was obtaining O P D treatment only for which no medical advance is admissible under Q M dated 1.9.1999.

6. That with regard to the statements made in para 7 and 8 the respondents state that the applicant and his wife are not entitled to Air travel as per their entitlement. For Air travel, special relaxation /approval of Govt. of India, Ministry of Health and Family Welfare is required. The applicant has not fulfilled the essential requirement. Also when referred to CGHS vide this office letter dated 21.1.2000 (Annexure – 12) it was stated that "without the absolute necessity clause in the Doctor's advice slip, the case for approval of Air Travel cannot be recommended to the Director CGHS for obtaining permission from the Ministry" (Annexure 13 and 14). And as per CGHS instruction, Dr.R. Medhi of GMCH was asked vide this office letter dated 27.1.2000 (Annexure 15) to furnish the essentiality certificate for grant of Air Fare and Shri Gupta was also asked to obtain the same. Dr. R. Medhi in his reply dated 24.2.2000 (Annexure 16) to this office letter dated

27.1.2000 categorically stated that Air Travel to Chennai is not absolutely necessary for Mrs. Ajanta Gupta for her Gyneocological problem; a copy of which was also endorsed to the applicant vide respondents letter dated 6.3.2000 (Annexure 17). But this respondents neither heard from the applicant nor he produced the same to the Hon'ble Tribunal while filing his petition. Instead he furnished an earlier certificate dated 10.1.2000 (Annexed with his petition, as Annexure No. 7) issued by Dr.R. Medhi to the effect that the patient is "Medically fit to travel by Air". Evidently the Doctor had found that the patient would not have any medical problem in travelling by Air.

Therefore, keeping in view the rule position and facts stated above, T.A. Advance for Air Travel could not be sanctioned to the applicant.

Meanwhile, by not producing the certificate dated 24.2.2000 (Annexure 16) issued by Dr. R. Medhi, the applicant had misled the Hon'ble Tribunal; which amounts to suppression of material facts related to the case and appears to have negated the statement made in his verification statement that he had not suppressed any material facts in this case.

Therefore, since the applicant did not furnish the essentiality certificate as called for repeatedly by the respondents, his prayer for grant of T.A. Advance for Air Travel for follow up treatment of his wife could not be sanctioned.

Earlier the wife of the applicant was under treatment of Dr. R. Medhi, Guwahati Medical College Hospital. Now as para 9, a medical certificate dated 21.4.2000 from one Dr.R.N. Pathak in his personal pad and not GMCH stamped pad/paper had been produced wherein the Doctor had advised to shift her to the Apollo Hospital, Chennai at the earliest. It has not been certified by the competent medical authority that necessary facility for the treatment of applicant's wife is not available at Guwahati or nearby like Calcutta (Kolkata).

Also the respondents had no knowledge about the said certificate dated 21.4.2000 till the receipt of O.A. No. 149 / 2000 as the same was not submitted by the applicant to the respondents till date.

7. That with regard to the statement made in para 9 of the application, the respondents state that on receipt of the representation dated 26.4.2000, the applicant was asked to furnish the tentative date of his outward journey to the Apollo Hospital, Chennai for follow up treatment of his wife so that T.A. Advance for entitled railway class and admissible Medical Advance as prayed for could be drawn and remitted to him and to the Apollo Hospital, Chennai respectively well in time (Annexure 18)
  
8. That with regard to the statement made in para 10 of the application, the respondents state that the statement made by the applicant about the deteriorating condition of his wife was not authenticated by any Doctor, as required under

Rules. Also, the applicant, so far as records of this office is concerned never approached the CGHS Authority Guwahati for their approval for following treatment at the Apollo Hospital, Chennai except the permission letter dated 14.9.99 (Annexure 11) obtained for initial treatment of his wife at the Apollo Hospital, Chennai during September '99.

In addition, the applicant is required as per rules to obtain an essentiality certificate from CGHS or the treating Doctor of GMCH to enable this office to permit him to travel by Air. As regards Medical Advance, Shri Gupta's claim for Rs. 30,000/- relates to initial treatment of his wife during September 99 only and not the follow up treatment.

The respondents have no objection in sanctioning the Medical Advance for indoor treatment on the strength of the prescribed certificate, if obtained by the applicant from a Govt. Hospital or Private Hospital duly recognised by CGHS. Now the onus lies on him to do the needful accordingly.

Meanwhile, after thorough examination of his representation dated 26.4.2000 the applicant had been intimated of the reasons for which the Air Fare could not be sanctioned to him vide this office letter dated 28.4.2000 (Annexure 18) as directed by the Hon'ble Tribunal.

9. That with regard to the statement made in para 11 of the application, the respondents state that as per Interim order dated 5.5.2000 on O A No. 149/2000 dated 25.4.2000 of Hon'ble CAT, Guwahati Bench, Medical Advance of Rs. 30,000/- was paid by Bank Draft favouring Apollo Hospital, Chennai for follow up treatment of the applicant's wife Smt. Ajanta Gupta and appropriate Air Fare of Rs. 32,324/- was paid to Shri B. Gupta (Applicant) for travel by Air along-with his wife from Guwahati to Chennai and back subject to the condition that in case the applicant (Shri Gupta) was not able to satisfy the court regarding his claim as per Rules, he would refund the money with interest.

Further, the allegation of the applicant regarding payment of Air Fare on 12.05.2000 by cheque is not correct. Initially T.A. advance for Air Fare was drawn for payment to the applicant in cash but he himself had opted for payment of TA advance by cheque vide his representation dated 12.5.2000 (Annexure 19). Therefore, his statement is found to be totally false and baseless and tantamount to suppression of facts.

Further, the applicant's statement regarding examination of his wife on 19.5.2000 by one Dr. Dilip Ghosal is not correct. As per certificate dated 19.5.2000 (Annexure 20), Dr. Dilip Ghosal, DHMS (pvt. Homeopath), Guwahati had examined Smt. Ajanta Gupta stated to be in a serious condition at 10 p.m. on the night of 28.4.2000 and not on 19.5.2000 and advised to consult with the Doctors of Apollo Hospital, Chennai and to avoid long journey etc. The Hon'ble

CAT may find it surprising to note that the certificate was signed by the Doctor and submitted by the applicant on 19.5.2000. But the reasons for 20 days delay in intimating the seriousness of his wife was not given by Shri Gupta as he intimated this on 19.5.2000 instead of on 29.4.2000, the day following the day she was stated to have been found in a state of serious condition. The reason for Smt. Ajanta Gupta not being hospitalised in such an extreme serious condition prior to her departure to Chennai on 21.5.2000 was not known. It appears from the above facts that the applicant is more interested in getting Air Fare and less concerned about the ailment of his wife. Otherwise, she should have been hospitalised immediately on 28.4.2000 or on the following day itself. Further, no one would reasonably go for Homeopathic treatment in such an extreme situation if the patient is really in serious condition. But the applicant waited for long 22 days w.e.f. 28.4.2000 to 19.5.2000 without providing adequate treatment to his wife during the said period and it is amply clear from the fact that the statement of the applicant regarding seriousness of his wife, is a fabricated one and not based on facts and as such the certificate of Dr. Ghosal cannot be treated as an essential certificate for grant of Air fare.

10. That with regard to the statement made in para 12 of the application, the respondents state that it appears from the advice slip of Dr. R. Shridharan and Dr. Deepak ArjunDas of Apollo Hospital, Chennai, (Annexure 21 & 22) that Smt. Ajanta Gupta was treated at the said hospital w.e.f. 23.05.2000 to 01.06.2000 in the Out Patient Department and investigation / review treatment of her was over

on 31.5.2000 itself. Therefore, Shri Gupta's statement that she was treated w.e.f. 23.5.2000 to 6.6.2000 is not correct. She was duly prescribed with medicines and other instructions by Dr. D.A. Das on 31.5.2000 and again on 01.06.2000. The Doctor advised that he should be informed about her condition by 1st July 2000 and review treatment would be done if her family physician so decided. But in the above said certificate dated 31.5.2000 (Annexure 21) or 1.6.2000 (Annexure 22) there was no mention of referring the case to Indraprastha Apollo Hospital, New Delhi for obtaining second medical opinion. Meanwhile, the applicant sent a Fax message to this office on 2.6.2000 (Annexure 23) asking for grant of Air fare for his journey to Delhi for obtaining second medical opinion in connection with his wife's treatment in Indraprastha Apollo Hospital, New Delhi. But in fact, the case was referred to Indraprastha Apollo Hospital, New Delhi on 7.6.2000 by Dr. D. A. Das (Annexure 24) with an advice that "she is fit to travel by Air". The applicant however, did not produce the said advice slip to the Hon'ble CAT, which again tantamounts to suppression of facts by him. The applicant however, produced a copy of the personal letter dated 6.6.2000 of Dr.D.A. Das (Annexure 25) of Apollo Hospital, Chennai to one Dr. Ahuja of Indraprastha Apollo Hospital, New Delhi to see Mrs.Ajanta Gupta etc. where nothing has been mentioned about second medical opinion or Air travel.

However, the advice slip of Dr. D.A. Das dated 7.6.2000 (Annexure 24) that "She is fit to travel by Air" does not meet the essentiality criteria of air travel as provided by GOI, Ministry of Health and Family Welfare OM dated 7.4.99 and

the directive of Hon'ble CAT, Guwahati Bench in its interim order dated 5.5.2000 and as such the applicant is not entitled to travel by Air from Chennai to New Delhi otherwise than the entitled Railway Class. As the applicant's wife obtained OPD treatment at Chennai, she is not entitled for any medical advance for the purpose.

11. That with regard to the statement made in Para 13 of the application, the respondents state that it appears from the record that Dr. Mukul Varma of Indraprastha Apollo Hospital, New Delhi treated Smt. Gupta w.e.f. 8.6.2000 to 12.6.2000 and not from 8.6.2000 to 16.6.2000 as stated by the applicant.

On 12.6.2000 (Annexure 27) Smt. Gupta was advised to "avoid long journey, travel by Air" also failed to meet the essentiality criteria as prescribed under GOI Ministry of Health and Family Welfare OM dated 7.4.99 and hence Air fare is not admissible to Shri Gupta. In this context two instances may be cited to justify the above contention.

In two separate cases of officials of this office Doctors of Indraprastha Apollo Hospital, New Delhi and Apollo Hospital Chennai/ DHS, Assam & Meghalaya etc. specifically stated that air travel is essential for the patient leaving no chance of ambiguity in their advice slips. But in Shri Gupta's case, Dr. Varma of the same Indraprastha Apollo Hospital, New Delhi advised Smt. Gupta "avoid

long journey, to travel by Air" in an ambiguous term and as such Air fare is not admissible to the applicant. Also government of India, Ministry of Health & Family Welfare, New Delhi in its instruction dated 28.9.2000 (Annexure 28) wants a specific certification of essentiality for Air travel as per rule for reimbursement of Air fare to Shri Gupta, which Shri Gupta failed to produce as yet in this regard.

12. That with regard to the statement made in para 14 of the application, the respondents state that the applicant was not authorised to collect the un-utilised amount of Rs., 25,178/- out of Medical Advance of Rs. 30,000/- from Apollo Hospital, Chennai to meet his Air travel expense from Chennai –New Delhi – Guwahati. The applicant cannot divert the fund from Medical head to Travelling allowance head on his own without the proper sanction of the competent authority and as such he should have refunded the balance amount of Rs. 19,742/- (after adjusting Rs. 5436/- as medical expenditure at Indraprastha Apollo Hospital, New Delhi) to the Govt. account immediately on his return. These acts of the applicant tantamount to financial irregularity.
13. That with regard to the statement made in para 15, the respondents state that in view of the facts stated at para 12 above, Shri Gupta's prayer for conversion of Medical advance to Air travel advance is untenable as he did not seek for prior permission of the concerned authority for such diversion of fund; instead he asked for sanction of Air fare and payment order etc. in his fax dated 2.6.2000 (Annexure 23) but not for conversion of fund. This is a clear case of financial

irregularities on his part. Hence, the balance of medical advance is required to be refunded forthwith to govt. account.

14. That with regard to the statement made in para 16 of the application, the respondents state that on the basis of the advice slip dated 07.06.2000 of Dr. D. A. Das (Annexure -24) of Apollo Hospital, Chennai that "she is fit for travel by Air" does not meet the requirement of Rules, CAT's directive dated 05.05.2000 and ministry's instructions dated 28.09.2000, the applicant is not entitled to travel by Air and as such question of grant of Air fare or reimbursement thereof to the applicant does not arise at all.

Further, Shri Gupta's statement to the fact that he waited for receipt of TA advance (Air Fare ) at Chennai w.e.f. 02.06.2000 to 07.06.2000 is not correct.

31. 5

In fact, Smti Gupta's treatment was over by 13.01.2000 / 01.06.2000 as is evident from the advice report slip of Dr. R Shridharan and Dr. D A Das of Apollo Hospital, Chennai (Annexure 21 & 22). She was discharged from the hospital's out patient department with the prescription of medicines and advice to inform her condition by 1<sup>st</sup> July 2000 and review treatment, if at all required, will be decide by her family physician. The case was not referred to the Indraprastha Apollo Hospital, New Delhi on 31.05.2000 or 01.06.2000 for obtaining second medical opinion by Dr. D A Das. The case was actually referred to the Indraprastha Apollo Hospital, New Delhi on 07.06.2000 by Dr. D A Das. But Shri Gupta sent his fax message on 02.06.2000 for sanction of Air Fare for his journey

from Chennai to New Delhi for obtaining second medical opinion for Indraprastha Apollo Hospital, New Delhi.

In this context, it may be noted that on the basis of advice slip dated 31.05.2000/ 01.06.2000 where, there was no mention of referring the case to Indraprastha Apollo Hospital, New Delhi. Shri Gupta could not ask for grant of Air fare on 02.06.2000 while the case was referred in fact, on 07.06.2000.

To confirm the fact of the fax dated 02.06.2000 the matter was taken up with Apollo Hospital authority over fax by this office on 02.06.2000 (Annexure 29) itself. The hospital authority did not give any reply thereto and as such no action could be initiated at that time by the respondents.

Also Dr. D.A Das in his referred letter dated 07.06.2000 (Annexure 24) did not mention that the condition of the patient was deteriorating and she was in need of immediate shifting to Indraprastha Apollo Hospital, New Delhi and could not be treated at Chennai at that moment. It may further be noted that Smt. Ajanta Gupta has never been an Indoor Patient neither at Chennai nor at New Delhi Apollo Hospital. All along, she was treated in Out Patient Department. Even at Indraprastha Apollo Hospital, New Delhi she was treated in Out Patient Deptt. on 08.06.2000 (Annexure 30) by Dr. M. Varma. Had she been in a state of seriousness she would have been admitted as an Indoor Patient at Indraprastha Apollo Hospital, New Delhi on 08.06.2000 itself. All these facts did not indicate

that she was ever in serious condition. Hence, his statement regarding deteriorating conditions of the patient is a hoax to justify his demand for grant of Air fare and is devoid of any facts. From the application of Shri Gupta, it appears that almost in every para, facts are either distorted, concocted or suppressed. The applicant must furnish essentiality certificate in terms of provision of GOI, Ministry of Health & Family Welfare OM dated 7.4.99, Directive of Hon'ble CAT, Guwahati dated 05.05.2000 and Ministry of Health and Family Welfare's instruction dated 28.09.2000 for reimbursement of Air fare to Shri Bimalendu Gupta. So far, whatever documents produced by him either to Hon'ble CAT or to this office does not meet the requirement of Rules and as such Air fare is not admissible to the applicant as prayed for.

15. That with regard to the statements made in para 17 of the application, the answering respondents state that the Medical and T.A. Bills of the applicant shall be examined and paid as per law and rules as admissible.
16. That with regard to the statements made in para 1 to 8 of grounds, the respondents state that the applicant has failed to follow the rules and could not comply with the requirements of rules and as such he is not entitled to get the bills re-imbursed, therefore, the application being devoid of any merit is liable to be dismissed. The grounds as shown are not sustainable in the eye of law.
17. That the answering respondents have no comments to the statements made in para 6 and 7 of the application

18. That with regard to the statements made in 8.1 and 8.2 and 9 of the application, the respondents state that the facts and circumstances of the case and also the provisions of law, the applicant is not entitled to get any relief as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordship would be pleased to hear the parties peruse the records and after hearing the parties and perusing the records shall further be pleased to dismiss the application with cost.

#### VERIFICATION

I, Shri Longjam Siddhartha Singh presently working as Dy. Accountant-General in the Office of the Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati being competent and duly authorised to sign this verification, do hereby solemnly affirm  
<sup>1,2,3,8,12,13,15 to 18</sup>  
 and state that the statements made in para <sup>A</sup>..... are true to my knowledge and belief  
<sup>4 to 7, 9 to 11 and 19</sup>  
 those made in para <sup>A</sup>...being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 20th day of March, 2001 at Guwahati.

*Longjam Siddhartha Singh*  
 Deponent

ANNEXURE - 1

OF THE ACCOUNTANT GENERAL (A & E), ASSAM  
MAIDAL GAON :: BELTOLA :: GUWAHATI-29.

No. Admn. 2/BG-MDL.ADV./99-2000/ 362

Dated 15.09.99.

(18)

To  
Medical Superintendent,  
Apollo Hospitals Enterprises Ltd,  
Greens Lane,  
Off. Greens Road,  
Chennai - 600 006.

Sub:- Medical Advance for treatment of Smti Ajanta Gupta wife of  
Sri Bimalendu Gupta, Sr.Acctt.

Sir,

Please find herewith a A/c. Payee Bank Draft No. 980281  
Dated 15-09-99 for Rs. 32,000/- (Rupees Thirty two thousand) only  
on S.B.I, Chennai favouring " Apollo Hospitals Enterprises Ltd,  
Chennai" being the Medical Advance sanctioned to Sri Bimalendu  
Gupta, Sr.Acctt. for treatment of his wife Smti Ajanta Gupta at  
your hospital referred by the Joint Director, CGHS, Guwahati. The  
amount of advance sanctioned being 80% on the basis of estimate  
furnished by the treating physician Dr. R. Medhi, Deptt. of Obst. &  
Gynae., Guwahati Medical College Hospital, Guwahati.

The un-utilised/excess amount in this connection, if any,  
may kindly be intimated to this office for doing the needful, on  
receipt of which the final adjustment will be carried out.

The refund of Medical Advance, if any, may kindly be sent  
by A/c. Payee Bank Draft on S.B.I, Dispur Branch, Guwahati favouring  
"Pay & Accounts Officer, O/o The A.G. (A & E), Assam, Guwahati  
in the whole rupee.

Further, it may be noted that the rates for various  
specialised treatment/diagnostic procedure as approved by the  
Government of India, Ministry of Health & Family Welfare (Dept. of  
Health) may be charged.

You are also requested to issue a certificate to the fact  
that whether the patient can travel by Rail or Air travel by the  
patient is absolutely necessary on her return journey after  
completion of her treatment/recovery of illness.

Meanwhile, please acknowledge receipt of the Draft.

Re: Bank Draft No. 980281

dt 15.09.99

Yours faithfully,  
After due enquiry  
O/c SR. ASSTANT OFFICER



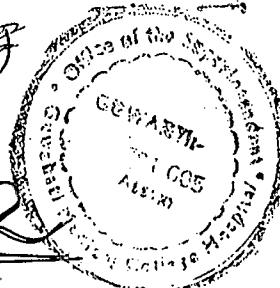
ANNEXURE 2 (B)

(20)

ANNEXURE-2

GUWAHATI MEDICAL COLLEGE HOSPITAL

OBS & GY DEPTT.



(12)



Dated Guwahati, the 9th Sept/99.

WHOM IT MAY CONCERN

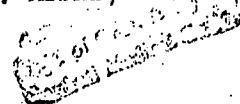
This is to certify that Mrs Ajanta Gupta, wife of Shri B. Gupta age 34 years has been under medical investigation and treatment since 16.8.99. She has been suffering from Menorrhagia & low grade Fever and weight loss. She was treated for the same at Apollo Hospital, Chennai from 2.2.98 to 9.2.98. As her condition is deteriorating again due to Menorrhagia epirdaxic, low grade fever with general weight lose. She is advised and referred again for further check up and treatment at Apollo Hospital, Chennai.

2(two) escorts are allowed to and from journey by air is absolutely essential for the condition of the patient.

Estimated cost of Rs.40,000/- (Rupees forty thousand) approx. is required for investigation and treatment. The cost will not be born by Govt. of Assam.

Hospital Regn.No.7352/99 dtd.16.8.99  
Hospital No.P.14107 dtd.16.8.99

( Dr. R. MEDHI, MD )



Central Government Employee

(21)

## ANNEXURE 3 (21)

## Apollo Hospitals Enterprise Limited

GENERAL OFFICE: All Towers, No.22, Greams Road, Chennai - 600 006  
 Tel.No.8266956,8277447 Telex No.41-6419 AHEL IN Fax: 91-44-8266679  
 E-mail:apollo.ahel@gemserve.net.in Internet: www.apollohospitals.com

Dt.24.09.99

Ref. No. of GM

044-8292026

FAX NO 8361 503142

TO

THE ACCOUNTANT GENERAL  
 (A & E) ASSAM.  
 GUWAHATI - 781 001

Sub: Requisition for remittance of Thirty Thousand  
 for treatment of Mrs. Ajanta Gupta Hospital token  
 NO 553658.

\*\*\*\*\*

Sir,

W.L.

27/9/99

With reference to your letter No. Admn.2/BG-MDLADV/99-2608/362  
 Dated 15.09.99 enclosing D/D No. 980281 dated 16.9.99 for Rs.32000/-  
 received by this Hospital for the investigation /treatment of  
 Mrs. Ajanta Gupta w/o B Gupta of your office, we require an  
 additional amount of Rs.30,000/- for further treatment of the  
 patient.

Please confirm the remittance in two days. We will send you the  
 statement of account on completion of treatment.

Yours faithfully  
 for APOLLO HOSPITALS ENTERPRISE LTD

V. VENKATESWARA  
 GENERAL MANAGER - FINANCE

Our Fax No. 91 44 8234429  
 Email: ahel@vsnl.com

Executive Chairman:  
 Dr. Prathap C Reddy  
 Managing Director  
 Smt. Preetha Reddy

Directors:  
 Shri P Obul Reddy  
 Shri S R Jiwarajka  
 Shri Raj Kumar Menon

Shri T M Joseph  
 Shri Brij Mohan Reddy  
 Sri Rafeeqe Ahmed

Shri N J Yasaswy 3.25 P.M  
 Shri B Natarajan  
 Shri K X M John of 2/9/99

Spoke to GM at

He has agreed to extend  
 time by another 2 days. Will proceed with  
 treatment. No problems on this. Pl. process  
 P. A. (A)

Regd.Off.: 19, Bishop Garden, Raja Annamalaipuram, Chennai - 600 028.

OFFICE OF THE ACCOUNTANT GENERAL (A & E), ASSAM,  
MAIDAMGAON :: BELTOLA :: GUWAHATI-29.

No. Admn-2/Med. Adv./BG/99-2000/380

Dt. 28.09.99.

FAX

To,

The General Manager-Finance,  
Apollo Hospitals Enterprises Ltd.,  
21, Greams Lane,  
Off. Greams Road,  
Chennai - 600 006.

Please ref. your Fax message dt, 24.09.99 in connection with the treatment of Smti Ajanta Gupta. The additional amount as required is being sent by Bank Draft. Meanwhile, you are requested to continue with her treatment. However, 80% of the required amount is being paid u. Rs 24000/- subject to final adjustment of final bill in this regard.

*D. S. S.*  
Deputy Accountant General (Admn.)  
राज्यपालाधारी (एडम्स.)  
Dy. Accountant General (Admn.)  
महालेखाकार का कापिल्य (लै.एड्म. हस.)  
O/O the Accountant General (A&B)  
आसम, गुवाहाटी  
Assam. Guwahati

Estimated amount  
Rs 30000/-

of Rs. 24,000/- being 80% as required is being sent by Bank Draft subject to adjustment of final bills in this regard.

Contd —→

1/2<sup>nd</sup> page  
P. Ac. (A)

2B

ANNEXURE A

23

## \*\*\*\* ACTIVITY REPORT \*\*\*\*

NAME : AG-(A&E)-ASSAM  
 ID : 0361303142  
 TIME/DATE : 17:05 09/28 1999

NO	REMOTE ID	DATE	START	DURATION	PAGE	I/R	RESULT
01	3234014	09/27	17:08:10	00:00:58	01	TX	OK
02		09/28	10:14:47	00:00:38	00	RX	STOP PRESSED
03		09/28	10:23:39	00:00:45	00	RX	NO RESPONSE
04		09/28	10:25:58	00:00:45	00	RX	NO RESPONSE
05	91 11 30 7059	09/28	14:58:56	00:00:54	01	TX	OK
06		09/28	15:45:48	00:00:45	00	RX	NO RESPONSE
07		09/28	15:46:57	00:00:45	00	RX	NO RESPONSE
08		09/28	15:49:40	00:00:45	00	RX	NO RESPONSE
09	91 11 3233175	09/28	16:39:54	00:01:22	01	TX	OK
10	91 44 8234429	09/28	17:04:54	00:00:50	01	TX	OK

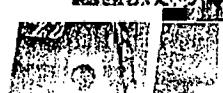
Tele NO - 3800117 289.99

Fax to Apollo Hospital

LSC

34

P. Ac (A)



(24)

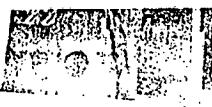
## ANNEXURE 5

Contents of telephonic discussion with  
GM - of Apollo Hospital - on 29.9.99

I had spoken to the  
GM. Sri V. Venugopal at  
4.45 P.M. of 29/09/99 to  
confirm whether to send  
draft or not. Draft for  
Rs 29,000/- was ready today.  
This was in view of the  
fact that Sri Gupta rang  
up the AB to inform that  
draft would not be required.  
The GM said he will  
confirm from Sri B. Gupta  
and get back to me.  
Pl. hold the draft  
till then.

L. Singh  
29/9/99  
PAG (A)

Sr AG (A)



No. Admin-2/Med. Adv- BG/99-2000/383

Dt. 30.09.99.

ANEXURE-6

FAX

To,

The General Manager-Finance,  
Apelle Hospitals Enterprises Ltd,  
21, Dreams Lane,  
Off. Dreams Road,  
Chennai - 600 006.

Sub:- Remittance of Medical Advance - Regarding.

Reft:- 1. Our Fax No. Admin-2/Med. Adv-BG/99-2000/380 dt. 28.09.99.

2. Telephone Call at 3.25P.M. of 24.09.99.

3. Telephone Call at 4.45 P.M. of 29.09.99.

Sir,

Please refer your Fax message dt. 24.09.99 regarding remittance of Rs.30,000/- in connection with the treatment of Smti Ajanta Gupta w/o Sri Binalendu Gupta, an employee of this office.

Accordingly, Bank Draft for Rs.24,000/- (being 80% of Rs.30,000/-) has been obtained and ready for despatch. In the meantime, a phone call has been received from Sri Binalendu Gupta stating that the above said Advance need not be sent to you.

You are, therefore, requested to clarify & confirm the position by return Fax to clear the confusion which has been arise out of Sri Gupta's phone call.

*R. Boddharthi S/*

उन्नपुर्णेश्वाराम (सौ.)  
Dy. Accountant General (Admin.)  
महोरेश्वाराम का प्रायर्ला (ले.एवं ह.)  
O/O the Accountant General (A&E)  
असम, गুৱাহাটী  
Assam, Guwahati

WIT (A) Contd

26 ~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~  
 ACTIVITY REPORT

NAME : 23-025-02504  
 ID : 0361303142  
 TIME/DATE : 13:30 09/30 1999

NO	REMOTE ID	DATE	START	DURATION	PAGE	T/R	RESULT
01		09/30	12:03:59	00:00:45	00	TX	NO RESPONSE
02		09/30	12:36:54	00:00:36	00	TX	NO RESPONSE
03		09/30	12:38:24	00:00:37	00	TX	NO RESPONSE
04		09/30	12:39:32	00:00:36	00	TX	NO RESPONSE
05		09/30	12:41:53	00:00:05	00	TX	STOP PRESSED
06		09/30	12:42:52	00:00:36	00	TX	NO RESPONSE
07		09/30	12:43:58	00:00:36	00	TX	NO RESPONSE
08	3234014	09/30	12:44:51	00:02:35	03	TX	OK
09		09/30	13:27:10	00:00:36	00	TX	NO RESPONSE
10	+91448234428	09/30	13:28:26	00:01:16	01	TX	OK

~~Patented~~ ~~Patent Pending~~  
 Contact  
 (28/2/3/2)

27

13

27

3

ANNEXURE-E

Annexure

DR. R. VARADARAJAN, MD, DCL  
Consultant Haematologist

28/9/99

Re: by Dr Ashwin Azeel MD

115 Asmita Gupta 34 yr fe

Say after

① Lab findings 3/99

white cells & platelets  
normal

② Lab findings 3/99  
after dinner & after 2 months  
normal

Apollo Hospitals

21, Gnanam Lane, Off, Gnanam Road, Chennal-600 008 Ph. 8277447

Regd. Office: 18, Bishop Garden, Chennal-600 028

E-MAIL: chennai.apollo@gnanam.vsnl.net.in

INTERNET: <http://www.apollohospitals.com>

Contd. overleaf

(29)

## ANNEXURE - 8

No. S-12012/4/97-CGHS(P)

Government of India

Ministry of Health & Family Welfare  
( Department of Health )

Nirman Bhavan,

New Delhi,

Dated the 7th April, 1999.

## OFFICE MEMORANDUM

Subject :- Delegation of Powers under CGHS relating to referral system, permission cases and ex-post-facto approval - regarding.

The undersigned is directed to say that the matter regarding delegation of powers under CGHS has been under consideration of the Government for some time past so as to reduce the delay in obtaining facilities under CGHS including ex-post-facto approval of medical claims preferred by CGHS beneficiaries and it has now been decided to delegate the powers for referral system, permission cases and ex-post-facto approval as indicated below :-

## REFERRAL SYSTEM

1. Procedure/investigations for which there is no prescribed CGHS rate for CGHS recognised private hospital/diagnostic centre.
2. In case of medical emergency beneficiary may go directly to private recognised/Government referral hospital and submit an MRC after discharge from the hospital.
3. In pregnancy cases
4. In case of beneficiary, inspite of facility being available in the city still chooses to get treatment in CGHS recognised hospital in another city

Permission for tests/procedures, the estimates of which are not more than Rs.20,000/-, may be granted by HOD (for serving employees) and by Head of CGHS covered cities (for pensioners) provided the tests/procedures have been recommended by Govt. Specialist.

Reimbursement may be limited to AIIMS rate in the case of Delhi and outside Delhi. In case rates have not been fixed by AIIMS for any particular procedure/investigation/test, reimbursement may be made as per actuals.

Powers are delegated to the Head of the CGHS organisations in various CGHS covered cities in respect of both pensioners and serving employees for deciding which cases fall under the "emergency" category.

Once the pregnancy is diagnosed/confirmed by the Government/CGHS doctors including the Medical Officer working at the dispensary level, the HOD of concerned Department/Ministry may permit a admission for confinement purpose in the private hospitals recognised under CGHS.

The powers for grant of such permission are delegated to the Heads of CGHS organisations in various CGHS covered cities both in respect of pensioners and serving employees but without grant of TA/DA.

(30)

5. In case of pensioners if permission is granted for treatment in another city for such procedures/tests that are advised by the Govt./CGHS specialists and are not available in the same city.

Permission may be granted to pensioner beneficiaries by Head of the CGHS organisation in any CGHS covered cities on the basis of specific advice from treating Govt. specialist.

6. In case of emergency i.e. respect of pensioners/serving employees.

TA may be limited to the referral hospitals available in the nearest city by the shortest route. In case of curtailment, prior permission of Director, CGHS, may be obtained.

7. Treatment in Private recognised hospital

Since it is not always possible to obtain prior permission in emergency, treatment taken by CGHS beneficiaries in emergency will be considered on merits even if the treatment is taken from a non-recognised private hospital. For granting ex-post-facto approval in emergency cases, both for serving/pensioner beneficiaries, the post is circulated to the Head of the concerned CGHS covered city.

Referrals will be made on the recommendation of the treatment procedure by the Govt. specialist for indoor treatment in private hospitals recognised under CGHS.

The permission both for pensioners and serving employees for a period of six months for follow-up treatment may be given by the Head of CGHS covered city from the date of discharge of the beneficiary from the hospital.

PERMISSION      CASES

1. Cases where permission is to be given for items with ceiling rates

When treatment is taken with prior permission and where the ceiling rates have been fixed for purchase of implants such as pacemakers, Rotabacter total joint replacement etc. the procedure as calling 3 quotations is not required and the Head of the CGHS organisation of the concerned CGHS covered city may grant permission in such cases.

2. Permission for items for which standing Committee exist and the standing committee has recommended the case

Permission may be given by the Ministry of Health and Family Welfare for items which have been notified by the CGHS.

3. Supply of Oxygen cylinder, Leucocyte filter, Infusion pump etc.

Permission may be given by the Ministry of Health & Family Welfare on the recommendations of the Standing Committee for items which have been notified by the CGHS.

Annexure

Permission may be given by the Ministry of Health and Family Welfare on the basis of the recommendation of the Director, CGHS.

5. Permission for highly expensive procedures like B.M.T., Cardiac defibrillator, carotid stents, etc. as per Govt. ceiling rates as the cost involved are very high or where there is no policy decision.

For highly expensive procedures like B.M.T., Cardiac Defibrillator, Carotid Stenting etc. M/o HFW notifies the equipments/instruments/implants for domiciliary use with specific ceiling rates. Hence, permission for any instrument/equipment/implant outside the notified list will be dealt by the M/o HFW on a case to case basis in consultation with DGHS/Finance Division.

#### EX-POST-FACTO APPROVAL

1. Treatment taken without recommendation of CGHS/Govt. specialist, but with permission of CMO in-charge of CGHS dispensary in a recognised private hospital within approved ceiling rates

Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

2. Treatment taken in Private hospitals recognised under CGHS without prior permission

Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

3. Emergency cases within approved ceiling rates in respect of treatment taken in private hospitals recognised under CGHS.

Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

4. Emergency cases within ceiling approved rate in respect of treatment taken in private unrecognised hospital.

Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

5. Cases where prior permission for treatment in CGHS recognised Government referral hospital was granted for a particular procedure and at the time of actual operation, some device/ artificial appliance/ additional treatment/ procedure/ diagnostic procedure has been used/ undertaken for which no prior permission was taken.

Powers are delegated to the Heads of CGHS organisations in the CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

6. Ex-post-facto permission for treatment in Govt. referral hospitals like AIIMS, PGI Chandigarh, etc.

#### For serving employees

HOD of the concerned Ministry/Department/office may decide such type of cases.

#### For Pensioners :

Head of the CGHS Organisation of the concerned CGHS covered city may decide such type of cases.

contd.-4

(32)

7. Treatment under emergency in private hospitals recognised under CGHS and approval to be given as per approved rates for approved procedures/Applications/devices. Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees to decide such type of cases.

8. Treatment taken under emergency but approval to be given above the approved rates Ministry of Health & Family Welfare may decide such type of cases in special circumstances, depending upon the merits of each case.

9. Relaxation of CGHS Rules Ministry of Health and Family Welfare will decide such type of cases.

10. Air travel permission/Ex-post-facto approval for air travel undertaken for medical treatment. Ministry of Health and Family Welfare will decide such type of cases.

11. Reimbursement of treatment/test for which there is no prescribed rates under CGHS. Powers are delegated to the Heads of CGHS organisations in the CGHS covered cities both in respect of pensioners and serving employees and serving employees and reimbursement may be made as per AIIMS rate/actual, whichever may be less, or as per actual in case there is no AIIMS rate, both in the case pertaining to CGHS, Delhi and CGHS outside Delhi.

12. Monetary limit to issue sanction for settlement of individual Medical Reimbursement claims/to accord permission/grant of medical advance. Subject to the approval of Head of the CGHS organisation of the concerned CGHS covered city/Ministry of Health & F.W., where prescribed in the preceding paras, the monetary limit for issuing sanction has been raised as under :-

(a) Rs.2 lakhs : By the Head of Department (in case of serving employees beneficiaries)

(b) Rs.2 lakhs : By the Head of the concerned CGHS-covered city (in case of pensioner CGHS beneficiaries)

(c) Rs.2 to 5 lakhs : Director, CGHS

(d) Above Rs.5 lakhs : Min. of H. & F.W.

2. These orders will come into effect from the date of issue.

3. The above orders are issued with the approval of Secretary(Health) and concurrence of JS & FA vide Dy. No.1766/99-JS & FA dated 23.3.99.

Sd/-

(BRAHAM DEV)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

3A 3B 3C 86  
ANEXURE-80  
No. S-12020/4/97-CGHS(R)  
Government of India.  
Ministry of Health & Family Welfare  
(Department of Health)

Nirman Bhawan, New Delhi  
Dated the 1st September, 1999.

OFFICE MEMORANDUM

Subject:- Delegation of Powers under CGHS relating to referral system, permission cases and ex-post-facto approval - Regarding.

The undersigned is directed to refer to this Ministry's Office Memorandum of even No. dated the 7th April, 1999 on the above subject and to say that to obviate the hardships being faced by the CGHS beneficiaries, it has been decided to amend item No.7 of the above said Office Memorandum relating to "treatment in private recognised hospitals" at page 2 and item No.12 of the above said Office Memorandum relating to "Monetary limit to issue sanction for settlement of individual medical reimbursement claims/to accord permission/grant of medical advance" at page 5 of the above mentioned Office Memorandum as follows:-

AMENDED REFERRAL SYSTEM

7. Treatment in private recognised hospital.

Referral may be made on the recommendation of the treatment procedure by the Government Specialist for indoor treatment in private hospitals, recognized under CGHS, by the Head of CGHS covered city in respect of pensioners and by the Head of the Ministry/Department/Office in respect of working employees.

*Approved (Signature)  
Date 12/9/99  
C/S/ek  
Nidhi  
Jt. AT*

The permission for follow-up treatment may be given for a period of 6 months from the date of discharge of the beneficiary from the hospital by the Head of CGHS covered city in respect of pensioners, and by the Head of the Ministry/Department/Office in respect of serving employees.

....2/-

AMENDED EX-POST-FACTO  
APPROVAL

12. Monetary limit to issues sanction for settlement of individual medical reimbursement claim/ to accord permission/ grant of medical advance.

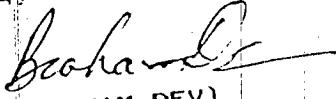
Head of the CGHS organisation of the concerned CGHS covered city in respect of pensioners and Head of the Ministry/ Department/Office in respect of serving employees, where prescribed in the preceding paras, the monetary limit for issuing sanction will be as under:-

a) Rs. 2 Lakhs (in case of serving employees beneficiaries). By the Head of Ministry/ Deptt/ Office.

b) Rs. 2 lakhs (in case of pensioner CGHS beneficiaries) By the Head of the concerned CGHS covered city.

2. These orders will come into effect from the date of issue.

3. The above orders are issued with the approval of Secretary (Health) and concurrence of JS(FA) vide Dy. No. 3791/99-JS(FA) dated 4.8.99.

  
(BRAHMA DEVI)

--- UNDER SECRETARY TO THE GOVERNMENT OF INDIA

To

1. All Ministries/Departments of Government of India.
2. Director General of Health Services.
3. Director, CGHS.
4. All Additional/Deputy Directors of CGHS.
5. All Officers/Sections/Desks in the Ministry of Health & Family Welfare.
6. C & A.G. of India, 10, Bahadur Shah Zafar Marg, New Delhi-2, with the request that these orders may be made applicable to the persons serving under him.
7. Copy for folder.

## APPENDIX 4

[See S.R. 162]

T.A. UNDER THE MEDICAL ATTENDANCE RULES  
AND THE C.G.H.S. SCHEME

1. The question of rationalization of the admissibility of travelling allowance under the Central Service (Medical Attendance) Rules, 1944 and the Central Government Health Scheme, had been under consideration of the Government of India. It has been decided in supersession of all previous orders and the provisions made in the Supplementary Rules or Orders issued thereunder that Central Government servants and members of their families will be entitled to travelling allowance at the rates and under the conditions specified below for journeys undertaken by them to obtain appropriate medical attendance and treatment to which they are entitled under the aforesaid rules and orders issued thereunder.

## 1. Journey by rail/road/sea/air

The patient (whether Government or a member of his family dependent on him) and also his attendant (wherever recommended by the attending doctor) should be entitled to travelling allowance *plus* daily allowance for the period of journey undertaken by rail as per the entitled class or the lower class by which the journey is actually performed, road, sea (ship, steamer, etc.) and air (within the country) for obtaining appropriate medical attendance or treatment.

*Special provision.*—Government may consider refund of air fare paid in individual cases on merits, provided they are satisfied that air travel was absolutely essential and that travel by any other means, i.e., by rail or road, etc., would have definitely endangered the life of the patient or involved a risk of serious aggravation of his/her conditions.

It is clarified that the above decision is also applicable to the Central Government employees and/or their family members in Manipur, Nagaland, Mizoram and Meghalaya who are referred for treatment to Calcutta.

## 2. Journey by other means of conveyance

If the patient travels by means of conveyance, other than those specified in these orders or by his/her private conveyance, travelling allowance would be admissible to the extent otherwise admissible under these orders.

## 3. Certificate required to claim T.A.

Travelling allowance at the rates specified in these orders will be admissible only when—

(36)

- (a) the journey undertaken is outside the limits of the same city—Municipal or Corporation area, Military Station, Cantonment Board area, etc., and exceeds 8 kilometres each way; and
- (b) it is certified in writing by the authorized medical attendant or by the Specialist to whom the patient was referred by the authorized medical attendant or by a competent medical officer attached to the hospital to which the patient was referred by the authorized medical attendant for medical attendance and treatment, that the journey was unavoidably necessary to obtain appropriate medical attendance and treatment under the relevant Medical Attendance Rules and Orders.

#### 4. Conveyance charges:

Where the journey is undertaken within the same city—Municipal or Corporation area, Military Station and Cantonment Board area, etc.,—and the distance travelled is more than 8 kilometres each way, Central Government servants and members of their families will be entitled to conveyance allowance only at the following rates, provided it is certified by the medical authorities mentioned in the preceding para. in writing that it was necessary for the Government servant or members of his/her family to travel by a conveyance:—

- (a) *For the Government servants.*—Actual conveyance charges limited to mileage allowance at tour rates under the rules in force (without daily allowance).
- (b) *For the members of their families.*—Actual conveyance charges limited to half the mileage allowance at tour rates (without daily allowance) admissible to Government servants themselves under the rules in force.

**NOTE.**—The above concession will not be admissible to CGHS beneficiaries for the present when they are referred to Specialists/Hospitals for medical attendance and treatment by doctors in CGHS Dispensaries.

#### 5. Ambulance charges:

Central Government servants will be entitled to reimbursement of charges paid for an ambulance used for their conveyance or the conveyance of members of their families subject to the following conditions:—

- (i) if it is certified in writing by the medical authorities mentioned in these orders that conveyance of the patient by any other means of conveyance would definitely endanger the life of the patient or grossly aggravate the conditions of his/her health;
- (ii) if the ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another for purposes of certain medical examinations, etc.;
- (iii) if the ambulance used belonged to Government or local fund, or a social service organization such as the Red Cross Society, etc.; and

## TRAVELLING ALLOWANCE FOR MEDICAL ATTENDANCE AND/OR TREATMENT

## 1. General Instructions

The question of rationalization of the admissibility of travelling allowance under the Central Service (Medical Attendance) Rules, 1944 and the Central Government Health Scheme, had been under consideration of the Government of India. It has been decided in supersession of all previous orders and the provisions made in the Supplementary Rules or orders issued thereunder that Central Government servants and members of their families will be entitled to travelling allowance at the rates and under the conditions specified below for journeys undertaken by them to obtain appropriate medical attendance and treatment to which they are entitled under the aforesaid rules and orders issued thereunder—

## 1. Journey by rail/road/sea/air:

The patient (whether Government servant or a member of his family dependent on him) and also his attendant (wherever recommended by the attending doctor) should be entitled to travelling allowance *plus* daily allowance for the period of journey undertaken by rail as per the entitled class or the lower class by which the journey is actually performed, road, sea (ship, steamer, etc.) and air (within the country) for obtaining appropriate medical attendance or treatment.

*Special provision:*—Government may consider refund of air fare paid in individual cases on merits, provided they are satisfied that air travel was absolutely essential and that travel by any other means, i.e., by rail or road, etc., would have definitely endangered the life of the patient or involved a risk of serious aggravation of his/her conditions.

CS (MA) Rules - 1944

## ~~ANNEXURE~~

38

10

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM,  
BELTOLA, GUWAHATI-29.

## ANNEXURE - 9

No. Admin-LVBG-MDL/T.A/99-2000/567

Dated:23/12/99.

With reference to his representation dated 16/12/99(received on 20/12/99), Sri Bimalendu Gupta, Sr.Acc't., is hereby asked to submit immediately a fresh estimate of Apollo Hospital,Chennai, required for the purpose of sanctioning of medical advance regarding follow up treatment of his wife Smt. Ajanta Gupta.

As regards grant of TA for undertaking journey by Air for the aforesaid purpose, it may be stated that it would not be possible to release the air travel Advance without the specific certification of the treating physician of Apollo Hospital, Chennai to the effect that "Air Travel for the patient is absolutely necessary". The certificate referred to in your representation, that the patient is "medically fit to travel by air", is only a certificate of fitness and can not be treated as a certificate of essentiality. Moreover, the approval of the Director, CGHS is also required for the said purpose.

In view of the above, he is asked to submit a fresh TA advance application for entitled Railway class for the proposed journey within (two) days from the date of receipt of this letter, for grant of TA advance. Further, in this connection, it may be mentioned that considering the gravity of the case and on the basis of the Medical Certificate of the treating physician of GMCH, Air fare was granted provisionally subject to the approval of the competent authority. However, the matter has been taken up with the Joint Director, CGHS who in his letter dt.22.11.99 stated that the Air fare for the journey undertaken on the earlier occasion may not be reimbursed if the approval for the same is not received from the Director, CGHS, New-Delhi. As such the above mentioned air fare claim can not be reimbursed until the receipt of the approval of the Director, CGHS, New-Delhi.

The release of Medical Advance of Rs.30,000/- on an earlier occasion related to a different instance and can not be automatically treated as having a bearing with the present proposal.

[Authority: DAG(ADMN) order dated:22/12/99 at page-29(n) in file No.Admin-II/BG-MDL/TA/99-2000]

Sr. Accounts Officer(Admin).

જારીએટ લોખા અધિકારી

**Sr. Accounts Officer**

## બાળોની પ્રાણી જીવનશરીર

### ④⑩ The Home of the Great (A&P)

To.

Shri Bimalendu Gupta, Sr. Acctt.

Record Section,

O/o the A.G.(A & E), Assam, Guwahati-29

(A7)

Nirman Bhawan

Suresh

T. Balaji

O. S. S. S.

A. M. B.

T. Balaji

R. Balaji

D. Balaji

S. Balaji

R. Balaji

E. Balaji

V. Balaji

A. M. B. (Contd.)

A. M. B. (Contd.)

21, Gramin Lane, O.I.C. Gramin Bldg,  
Chennai - 600 006.  
Tel: 0293333, 0290200, Fax: 01-44-0291761.  
Gramin: Apollo Hosp. Tlx: 41-6419/AFNL, III  
Regd. Office: 10, Bishop Garden, Chennai - 600 020.

(A7) ~~ANNEXURE - 10~~

(B9)

ANNEXURE - 10

Total Delay  
Time - 10 days

In total Number of days

1-10 (10 days)

1-20 (10 days)

1-30 (10 days)

1-40 (10 days)

1-50 (10 days)

1-60 (10 days)

1-70 (10 days)

1-80 (10 days)

1-90 (10 days)

1-100 (10 days)

1-110 (10 days)

1-120 (10 days)

1-130 (10 days)

1-140 (10 days)

1-150 (10 days)

1-160 (10 days)

1-170 (10 days)

1-180 (10 days)

1-190 (10 days)

1-200 (10 days)

1-210 (10 days)

1-220 (10 days)

1-230 (10 days)

1-240 (10 days)

1-250 (10 days)

1-260 (10 days)

1-270 (10 days)

1-280 (10 days)

1-290 (10 days)

1-300 (10 days)

1-310 (10 days)

1-320 (10 days)

1-330 (10 days)

1-340 (10 days)

1-350 (10 days)

1-360 (10 days)

1-370 (10 days)

1-380 (10 days)

1-390 (10 days)

1-400 (10 days)

1-410 (10 days)

1-420 (10 days)

1-430 (10 days)

For Appointments Contact :

0293333, 0290200, Ext. : 2449

0553344 / 0553117 / 0553122

For Enquiries Contact :

6411772 / 6411057

For Crit. 1-311475

Director, CGIS, DGIS,  
Nirman Bhawan, New Delhi-11.(Dr. N. Saikia)  
Joint Director.

(40)  
ANNEXURE-II

Govt. of India,  
Dte. General of Health Services,  
Central Govt. Health Scheme,  
Ananda Kutir Path,  
Zoo-Narengi Tiniali,  
Guwahati - 781003.

No. S.2016/1/91 (1)/2015 — 2018

Dated : 14.9.99

To,  
The Medical Supdt./Director,  
Spire Hospital Enterprises Ltd.  
Chennai - 6

Sub : Permission for treatment/investigation/hospitalisation of  
Shri/Smt. Ayantha Gepta w/o Sh. B. Gepta

Sir/Madam,

Shri/Smt. Ayantha Gepta May

please be provided with necessary treatment facilities and accommodation in accordance with the status of the government servant/servant/pensioner/M.P. whose particulars are given below

1. Entitlement	: General user
2. Contribution of Basic Pay/ Last pay drawn/Pension.	: Rs 5,700.00
3. C.G.H.S. Token Card No.	: 4518
4. Validity of CGHS Token card : in case of serving employee/ Pensioner.	
5. Dispensary to which attached:	

Validity of this letter is 6 (six) months from the date of issue. Two escort is recommended as recommended by the specialist - G.M.C., Guwahati.

UNDERTAKING  
I hereby undertake to bear the expenditure in excess of package rate/ceiling fixed by the Govt. for treatment of Shri/Smt./Self

Yours faithfully,

Dr. B. Saikia  
( Dr. B. Saikia )  
Joint Director.

1. Name B. Gepta  
2. Token Card No. 4518  
3. Address A.S.C.B.D. Assam

Gepta (Signature)

B. Gepta

(A1)

(S)

Copy to :-

1. The Medical Officer Incharge, CGHS Dispensary No. 1 for information and necessary action.

2. To, 9th Apr (A.D.) Assam Medical Board, Bongaigaon, Bongaigaon  
Guwahati - 29.

for information & necessary action.

3. Shri/Smt./Dr. B. Saikia with the information and the advice that the necessary medicines may please be procured from the CGHS Dispensary concerned. In case of emergency/odd hours, medicines should be purchased from the Authorised Local Chemist, if Authorised Local Chemist is also unable to supply the medicines, a non-availability certificate from the Authorised Local Chemist may please be obtained and medicines can be procured from Local Market.

(a) Cost of O.P.D. treatment is not reimbursable under CGHS. For patients referred to private recognised hospitals outside Guwahati, if the treatment is taken at the referral hospital as an OPD patient a certificate from the treating hospital/doctor will be required to the effect that "the patient did not require admission and was advised treatment as an OPD patient". This certificate will be required to be submitted alongwith the bill.

(b) Claim papers for re-imbursement of Medical expenses should be submitted within three months from the date of discharge.

(Dr. B. Saikia)  
Joint Director

1. Claimants are advised to keep photocopies of Essentiality certificate and voucher while submitting original alongwith claim papers.

2. Employees and pensioners of certain Semi-Govt./Autonomous organisations are entitled at par with Central Govt. Employees.

3. PAYMENT FROM SERVICE HEAD OF BENEFICIARIES OFFICE.

\*\*\*\*\*

42

ANNEXURE 12

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

No. Admn.II/BG.MDL/TA/99-2000/627

Date: 29.01.2000

To

The Joint Director,  
C.G.H.S, Guwahati,  
Pinaki Path (7<sup>th</sup> Bye Lane)  
Zoo-Narengi, Tin-alli,  
Guwahati - 781 003.

Sub: Approval for Air Travel for follow up treatment at Apollo Hospital, Chennai.

Sir,

I am to state that Shri. Bimalendu Gupta, Sr. Acctt. of this office had applied vide application dt. 16.12.99 for to and fro Air fare to chennai with 2 (two) escorts for follow up treatment of his wife as advised by the attending physician of Apollo Hospital, Chennai without any recommendation by the attending physician/referral physician of GMCH regarding the absolute necessity of Air travel for follow-up treatment and the matter was taken-up with you vide this office letter No. Admn-2/Ghy/Bills/1-18/TA/99-2000/554 dt. 21.12.99.

Now, accordingly, as advised vide your letter No. D 12016/1/99(2)/3533 dt. 24.12.99, Shri. Bimalendu Gupta submitted a fresh application for to and fro Air fare to chennai alongwith recommendation of the treating physician of GMCH who initially referred the patient to the effect that "patient is medically fit to travel by Air both ways" which apparently does not mean that Air travel is an absolutely necessity.

In view of the above, you are, therefore, requested to kindly clarify

Whether to an fro Air fare to Chennai with 2(two)escorts may be reimbursed to Shri. Bimalendu Gupta for follow-up treatment of his wife on the basis of certificate furnished by the referral physician of GMCH who initially referred the patient to the effect that "patient is medically fit to travel by Air both way" which does not apparently mean that the Air Travel is absolutely necessary.

2. Whether to and fro Air Travel with 2(two) escorts requires approval of Ministry of Health & Family Welfare in terms of circular No. S. 12012/4/97 -CGHS(P) dt. 7-4-99 in addition to the recommendation of the referral physician. If yes, you are, requested to obtain necessary sanction from the competent authority for Air travel with 2(two) escorts for return journey too. It may also be considered whether recommendation of referral Board of GMCH is required for the said purpose. If so, necessary action may be taken at your end.

An immediate action reply in this regard is requested so that necessary T.A. advance could be paid in time to Shri. Bimalendu Gupta to attend Apollo Hospital, Chennai for follow up treatment of his wife.

Atti-Binchon recommendation of Physician.

8/65

Yours faithfully

Mr. Siddhanta J. Bearer(A).  
Bhalenakar (L. & E. 50) 1/1  
1/0 the Accountant General (A&E)  
Assam, Guwahati

43

ANNEXURE

D.12016/1/99(2)/3925

Date : 21.1.2000

To,  
The Sr. Accts Officer (A),  
A.G.(A&E) ASSAM,  
Naidamgaon, Beltola,  
Guwahati - 781 029.

ANNEXURE - 13.

1-2000

Sub : Approval for air travel for followup  
treatment.

Sir,

Refer your letter No. Admn.II/BGMDL/TA/99-2000/627 dated 21.1.2000 along with the enclosed certificate from Dr.R.Medhi of GMCH on the subject of granting air travel for followup treatment at Apollo Hospital, Chennai.

In this context the conditions are stated as in our letter of even number dated 24.12.99 are reiterated.

In the present context the certificate as given by Dr.Medhi of GMCH that the patient is medically fit to travel by air and that two escorts are required for the patient is not sufficient. The referring doctor has to state that the patients present condition is not such that she can travel by any other means of transport and air travel is absolutely essential in her case and also that two escorts are essential. Without the "absolute necessity" clause in the doctors advise slip the case for approval of air travel cannot be recommended to the Director CGHS for obtaining permission from the Ministry. Your office may therefore request Dr.R.Medhi to incorporate this in his advise slip - which we shall need to forward to the Ministry while recommending the case.

As regards your querry regarding the State Referral Board, I may state that CGHS does not insist on this - but you can directly take up the matter with State Referral Board.

Yours faithfully,

Dr. B. Saikia  
( Dr. B. Saikia )  
Joint Director.

Joint Accountant General (A&E)  
Assam, Assam  
Guwahati.

Govt. of India,  
Ministry of Health & F.W.,  
Dte. General of Health Services,  
Central Govt. Health Scheme,  
Zoo Narengi Tiniali,  
Guwahati- 3.

NO.D.12016/1/99(2)/ 3533

## ANNEXURE - 14

10t. 24/12/99

To,  
The Sr. Accounts Officer,  
O/O the Accountant General(A&E),  
Assam, Beltola, Guwahati.

Sub : Clarification on air travel for medical treatment - regarding.

Sir,

Sir,  
Reference your letter No. Admn. 2/Ghy/Bills/1-18/TA/99-2000 /584 dated 21.12.99 the undermentioned points are forwarded for your clarification on the above subject:-

1. Smt. Ajanta Gupta W/O Shri Bimalendu Gupta was permitted to attend Apollo Hospital, Chennai with two escorts only vide our letter No.D.12016/1/99(1)/2015-1018 dated 14.9.99 wherein no mention of air travel has been made.

As permission for air travel can only be granted by the  
Min. of H. & FW on recommendation of Director, CGHS, we requested  
the latter to grant air travel permission on the basis of the  
advise of Guwahati Medical College Hospital (Vide GMCH letter  
No. NIL dated 9.9.99).

2. The suitable mode of journey can only be judged by the treating physician/hospital for a patient. Therefore, regarding return journey, the Apollo Hospital, Chennai has to advise about the absolute necessity of air travel by the patient.

For the follow up treatment, we are at this stage unable to comment as there is no record of treatment by CGHS/the referring doctor of GMCH. It is also stated that for a second air travel by the patient for review at Apollo Chennai, a fresh recommendation regarding two escorts and absolute necessity of air travel from the specialist of GMCH who initially referred the patient to Apollo Hospital is necessary.

Contd--2/-

प्राप्ति का अधिकार (प्राप्ति का अधिकार) का कार्यालय  
M/o the Accountant General (A.G.)  
असम, गুৱাহাটী  
সামৰণ

Therefore, on the basis of our earlier permission letter No.D.12016/1/99(1)/2017 dated 14.9.99, to and fro air travel to Shri Bimalendu Gupta can not be treated admissible, unless the above conditions are fulfilled.

Yours faithfully,

( Dr. B. Saikia )  
Joint Director.

(Dr. B. SARKAR)  
Joint Director.

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~~ANNEXURE - 15~~

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

No. Admn-2/BG-MDL/TA/99-2000/ 637

Date: 27.01.2000

To

Dr. R. Medhi, MD,  
Asstt. Professor,  
Department of Obst & Gynaecology,  
Guwahati Medical College Hospital,  
Guwahati.

Sub: Air Travel to Chennai for both way with 2(two) escorts in respect of Smti. Ajanta Gupta W/o Shri. Bimalendu Gupta.

*2/65*  
Sir,  
I am directed to refer to your letter dt. 10.01.2000(copy enclosed) regarding recommendation of both ways Air travel to chennai with 2(two) escorts for follow up treatment of Smti Ajanta Gupta W/o Shri. Bimalendu Gupta of this office stating that She is medically fit to travel by Air and to state that the same is not sufficient for recommendation to the Director, CGHS for obtaining permission from the Ministry.

*copy received  
in 3/3/2000  
at 8/19*  
In this context, it may be mentioned that Shri. Gupta is not entitled to travel by Air unless the condition of the patient so warrants.

You are therefore, requested to furnish a certificate to the effect that the patients present condition does not permit her to travel by train and air travel is absolutely essential in her case and also that two escorts are essential. The essentiality certificate is required by the Director, CGHS for obtaining permission from Government of India, Ministry of Health & Family Welfare.

An early action reply is awaited.

Enclo: As state above

Yours faithfully

*C*  
Sr. Accounts Officer (Admn)  
Sr. Accounts Officer  
Date: 27.01.2000  
মহালেষাপ্তর (ল. এং হ.) কা কার্যালয়  
Accountant General (A&E)

To

(AE)

The Sr Accounts Officer  
0/o the Accountant General (A&E)  
Assam  
Guwahati

~~477~~ 478  
B/S (901)

ANNEXURE-16

Dated Guwahati  
24/2 Feb 2000

Ref :- Your letter no. Admn-2/BG-MDL/IA/99-  
2000/637 dated 27th January 2000

Sub :- Air Travel to Chennai in respect of  
Mrs. Ajanta Gupta, wife of Mr Bimalen  
-du Gupta

10

Sir,

With reference to your above mentioned letter I would  
like to say that Air Travel to Chennai is not absolutely  
necessary for Mrs Ajanta Gupta for her Gynaecological  
problems.

However, Mrs Gupta is having Neurological, Orthopaedic and Haematological problems and she is under treatment of Appollo Hospital, Chennai.

As I am not an expert in these fields of medicines, it is not possible for me to give an opinion regarding absolute necessity of air travel for her other diseases. Opinion may kindly be taken from Appollo Hospital, Chennai, where she is treated.

Thanking you,

Yours faithfully

R. Medhi  
21/2/2000

(Dr R Medhi)

Asstt. Professor  
Dept. of Obst. & Gynaecology  
Guwahati Medical College

ANEXURE-17  
48  
OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM  
BELTOLA: GUWAHATI-29

No. Admin-II/BG-MDL T.A.99-2000/818

DL 06-03-2000

7.01.2000

In inviting a reference to this office Memo No. Admin-II/BG-MDL T.A.99-2000/567 dt. 23.12.99 Shri Bimalendu Gupta, Sr. Acctt. of this office is hereby asked to expedite reply thereto, for initiating necessary action in this regard.

In this connection, a copy of Dr. R. Medhi's (of GMCH) letter dt. 24.2.2000 is enclosed herewith for his information and necessary action.

Ajanta

Authority: [DAG(A)'s order dt. 6.3.2000]

Encls:- As stated above.

Shri Bimalendu Gupta, Sr. Accountant,  
Record & Section  
Of the A.G.(A&E), Assam,  
Beltola, Guwahati-29.

Sr. Accounts Officer(A)

Shri Accounts Officer

মুন্তাবেদ (২-৩ টা) মি স্টেশন

Office of the Accountant General (A&E)

বেলতলা গুৱাহাটী

অসম সরকার

Confd.

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM, BELTOLA, GUWAHATI-29.

Memo No. Admin-II/BG Mdl/99-2000/25

dt. 28.04.2000

With reference to his representation dated 26.4.2000 & a photo copy of directive dt. 25.4.2000 issued by the Hon'ble C.A.T. Ghy Bench OA No.149/2000 regarding grant of both ways Air fare and Mdl. Advance in connection with the follow up treatment of his wife Smti. Ajanta Gupta at Apollo Hospital, Chennai, Shri Bimalendu Gupta, Sr. Accountant of this office is hereby informed that his above said representation has been thoroughly examined in the light of the existing CS (MA) Rules 1944 and it is found that in the absence of any essentiality certificate from the concerned Medical Authority, his prayer for grant of Air fare both ways cannot be entertained.

However, he is once again asked to submit a fresh T.A. Advancee proposal for entitled Railway class for the said purpose. In this regard Para-3 of this office earlier communication No. Admin-II/BG-Mdl/99-2000/567 dated 23.12.99 to him may also be referred to.

In this connection Appendix-VII (1) to CS(MA) Rules 1944 and a medical certificate dated 24.2.2000 issued by Smti. A.Gupta's treating physician of G.M.C.H., Ghy.; a copy of which was already endorsed to him vide this office letter No. Admin-II/BG-Mdl/T.A/99-2000/818 dt. 6.3.2000 may be referred to.

As regards grant of Medical advance, he is asked to furnish the tentative date of his outward journey to Apollo Hospital, Chennai, so that the admissible amount of Medical advance as prayed for, could be drawn and sent to the concerned Hospital well in time.

This disposes of his representation dated 26.4.2000.

*Raj Singh*

Dy. Accountant General (Admin.)

Ch. Mahalokhapha (R.A.)

Dy. Accountant General (Admin.)

Shah Lokhapha (R.A.)

O/O the Accountant General (A&E)

Assam, Guwahati

Shri Bimalendu Gupta, Sr. Acctt.  
Record & Section.  
O/o the A.G. (A&E), Assam, Guwahati.

ANNEXURE-19

To

The Sr. Accounts Officer  
PAO, O/o the A.G. (A&E) Assam,  
Beltola, Guwahati-29.

Payment of T.A. advance by Cheque

Sir,

With reference to Admin. Letter No. ADMN-2/BG-FDL/T/A/  
2000-2001/51, dated 9.5.2000 received on 10.5.2000 I beg to state  
that it is ascertained from Cash Branch that the T.A. Advance Rs. 32,324/-  
was drawn in Cash for disbursement. It is surprise to mention here  
that it is very much risky to carry huge amount from office to my  
residence during late hours of the day from the place like Beltola,  
for purchasing Air tickets.

So, you are therefore requested to issue a Cheque  
in my favour in lieu of Cash so that I can able to carry easily the  
amount to purchase the air tickets by to morrow i.e. on 13.5.2000 posi-

Your early action is highly solicited.

Dated, Guwahati  
the 12.05.2000

Yours faithfully

( Bimalendu Gupta )  
Sr. Accountant

12/5/2000  
( 3 P.M. )

A.D.  
A.D.  
A.D.

(51)

Phone, 543200 (R)

Dr. Dilip Ghosal D.H.M.S  
 GUWAHATI, ASSAM ANNEXURE-20  
 Regd. No. : 300 (A)



To whom it may concern

This is to certify that Ms.  
 - Ajanta Gupta w/o Mr. B. Gupta  
 was serious on 28th April  
 2000 and on call at 10 P.M.  
 attended at her residence.

After examining her was  
 advise to consult the Apollo  
 doctor's from whom she  
 was taking treatment  
 and also advised to avoid  
 long journey which  
 may fatal her life.

Dilip Ghosal  
 Dr. (A) S/2000  
 Dr. Dilip Ghosal  
 Regd. No. 300 (A)

(52) ANNEXURE 21

Dr. R. SHUDHARAN, M.D., D.M. (Neuro), MCh (Neuro)  
Consultant Neurologist

553658

31/5/2000

Mr. Ajith, Age: 34 F.

Somewhat anxious

MC: Brain, Cervical, Dorsal, Lumbar - normal

No Endocrinological opinion.

Ex:

1) Zopiclone 25mg daily 1 - x 3 months

2) Trizocine 1mg at bed time - - - 1 month

3) Clonazepam 0.5mg at bed time - - - 1 month

4) Diazepam 0.25mg at bed time - - - 1 month

Reactions: nothing

1) Zopiclone 25mg daily 1 - x 3 months

2) Trizocine 1mg daily 1 - x 3 months

3) Diazepam 0.25mg daily 1 - x 3 months

Non-therapeutic: 1) (for anxiolysis)

Apollo Hospitals

21, Grenville Lane, Off. Grenville Road, Chennai - 600 000

Tel : 0293333 / 0290200 Fax : 91-44-8266761 / 8234429

Regd. Office : 19, Bishop Garden, Chennai - 600 028

E-mail: ahd@verizon.com



" Mrs. Alenee (wife)

Nimulide MD 1-1-1 3 days  
L2/1 7 days

Cetazyme 610 1-0-1 3 days  
100mg

Mendol Fort 1-1-1 3 days  
6ml/43 3 days

Try. Metformol (low GI)  
Taste test 4 weeks

Reflux with belching  
↑ Water in chest

A. lactic acidosis  
Natalgaon

To inform condition on  
11 July that patient  
performed well  
without electro  
cardiogram

(54)

ANNEXURE 25

Mr. Bimalendu Gupta  
Sr Accountant  
A.G. (CATE) Assam G. 21  
AirLeave at Bhawanipore  
for wife's Treatment.

02-06-2000

TO

The Accountant General  
(A.G.) Assam, Gauhati 29.

Sir,

With reference to your letter dated  
10-05-2000, my wife was examined by Apollo  
Hospital Madras and referred to Indraprastha  
Apollo for <sup>second</sup> opinion. Immediately, kindly Sanction  
and my wife's journey to New Delhi by Air. Expecting your  
kind Confirmation by U.P. Dr. Daya 2-06-2000. To  
A.G. (CATE) Tarniakdu Fax No. 046-4320562.

Thanking you.

Yours fr. 16/3/00

B. Gupta

(Painted with Purple)



**Apollo  
Hospitals  
Chennai**

(55)

Dr. DEEPAK ARJUNDAS  
M.D. (Med), D.M. (NEURO) Dip. Neuro (Jor) F.R.S.H. (Lon) FAIMS  
CONSULTANT NEUROLOGIST & NEUROINTENSIVIST

2002

CONSULTATION HOURS:  
4.00 - 6.00 P.M. - MONDAY TO FRIDAY

Mrs. Arpita Gupta has extreme weakness for  
say 6 weeks & pyramidal are very sick. May have  
a subclavian stroke. Please refer to  
Delta Apollo for initial opinion with electroencephalogram  
& electron microscopy studies. May be arachnoid  
itis is fit to travel for also

Arpita  
7/6/00

Spitals  
Chennai

26  
23  
Annexure - 10  
CONSULTATION HOURS:  
4.00 - 6.00 P.M. - MONDAY TO FRIDAY

~~23~~

ANNEXURE 25

Dear Dr Alvaro

Kindly see Mrs. Agneta Cwirka  
with Dr. Balaji & Dr. Renuka for  
Centres Neurology  
with regards

Yours sincerely

Neil  
St. Cloud

Dr. Alvaro  
Apollo Hospital  
New Delhi

1. Grange Lane, Off. Grange Road.  
2. Ospital - 600 006  
3. 020 1113, 0200200 Fax: 011-44-0234479  
4. Dr. Apollo Hosp. Tel: 41-6410 AT&T 111  
5. Ospital - 19, Bishop Garden, Chennai - 600 020.

For Appointments Contact  
0233311, 0290200, Fax: 2111  
0233311 / 0553117 / 0553118  
For Emergencies Contact  
0411772 / 0411651

(57) **ANNEXURE-26** (26)

**APPENDIX VII**  
**TRAVELLING ALLOWANCE FOR MEDICAL ATTENDANCE AND/OR TREATMENT**

**1. General Instructions**

The question of 'rationalization' of the admissibility of travelling allowance under the Central Service (Medical Attendance) Rules, 1944 and the Central Government Health Scheme, had been under consideration of the Government of India. It has been decided in supersession of all previous orders and the provisions made in the Supplementary Rules or orders issued thereunder that Central Government servants and members of their families will be entitled to travelling allowance at the rates and under the conditions specified below for journeys undertaken by them to obtain appropriate medical attendance and treatment to which they are entitled under the aforesaid rules and orders issued thereunder.

**\* 1. Journey by rail/road/sea/air**

The patient (whether Government servant or a member of his family dependent on him) and also his attendant (wherever recommended by the attending doctor) should be entitled to travelling allowance *plus* daily allowances for the period of journey undertaken by rail as per the entitled class or the lower class by which the journey is actually performed, road, sea (ship, steamer, etc.) and air (within the country) for obtaining appropriate medical attendance or treatment.

**\* 2. Special provision.**—Government may consider refund of air fare paid in individual cases on merits, provided they are satisfied that air travel was absolutely essential and that travel by any other means, i.e., by rail or road, etc., would have definitely endangered the life of the patient or involved a risk of serious aggravation of his/her conditions.

It is clarified that the above decision is also applicable to the Central Government employees and/or their family members in Manipur, Nagaland, Mizoram and Meghalaya who are referred for treatment to Calcutta.

**To and fro air fare for treatment abroad.**—See Decision below Rule in Section 1.

**2. Journey by other means of conveyance**

If the patient travels by means of conveyance, other than those specified in these orders or by his/her private conveyance, travelling allowance would be admissible to the extent otherwise admissible under these orders.

**\* 3. Certificates required to claim T.A.**

Travelling allowance at the rates specified in these orders will be admissible only when—

P.O.M. dated 2.4.99

8, 8(2) & 8(3)

Neurologist  
Apollo Hospital

S. V. S. Gupta  
Apollo Hospital

Medical Society of India  
Neurology Association  
Academy of Neurology

58

Dr. MUKUL VARMA  
M.D., D.M.  
Neurophysician

ANNEXURE 27

Associate (O) (b)  
Indraprastha Apollo Hospital  
Malbana Road, Shalimar Vihar  
New Delhi 110 044  
Phone: 6925050, 6925001, Extn 1060  
Fax: 91-11 6123629  
Consultation daily 9:00 AM to 1:00 PM

Apollo Clinic  
13 New Rajdhani Enclave, Vikas Marg  
Delhi 110 092  
Consultation: Thurs only 7:00 - 8:00 PM  
For appointment call 2222146, 2212025

Residence  
1376, Sector 37, NOIDA, 201 303  
Phone from Delhi: 91-4575440  
From outstation: 0118-4575440  
E-mail: mvarma@vsnl.com  
By appointment only

8.6.88

R. Good position short

Tab Triptalone (10)

1 tab at bedtime

M Varma

Tab Proctin (4 mg)

1/2 tab TDS

Syp Haem 1/2 1 mg TDS

1 month

If no relief, add.

Tab Naproxen (250)

1/2 tab 1 week

Initial long journeys.

increased by 25%.

M Varma

12.6.88

% Body a. - Sod '93  
Foligyn - ..  
Insomia - bad (1)  
ESR ↑ for long  
(Allyl D.L. - No. 10)  
(ACL)

TM 18MF  
Speech / N  
Gang Ns / N  
No red hickey  
Motor / N  
Sensig / N  
Reflex / N

last  
ESR → 110 mm in 1 hr.  
(186 - 13 mm).

59

SL NO. 11

MOST IMMEDIATE

COURT CASE  
BY SPEED POST

AN EXCURE-28

NO. C.14012/14/2000-CGHS/D.I  
Directorate General of Health Services

Nirman Bhavan, New Delhi  
dated the 28th Sept., 2000

To

The Deputy Accountant General (Admn.)  
Office of the Accountant General (A&E) Assam  
Maidamgaon, Beltola  
Guwahati-29.

Sub:-Approval for grant of Air fare-etc in connection with  
the follow up treatment of Smt. Ajanta Gupta wife of  
Shri. Bimalendu Gupta.

Sir,

Please refer to your letter No. Admn. II/BG-MIL/  
TA/2000-01/437 dated 6.9.2000 on the above subject.

2. The case was examined in consultation with the  
Ministry of Health and Family Welfare and you are requested  
to take the following action as approved by the Ministry  
of Health:-

- (i) Payment of amount of air travel to Shri Gupta  
to and fro Guwahati-Chennai only as per the  
Hon'ble CAT's Order instead of Guwahati-Chennai  
New Delhi-Guwahati.
- (ii) Submission of specific certification of the  
treating physician of Apollo Hospital-Chennai  
to the effect that the "air travel for the  
patient is absolutely necessary".

You are also requested to contact the CGHS Authorities  
in Guwahati so that they could request the Standing Govt.  
Counsel to keep in view the above two points while preparing  
the draft written statement to be filed in the case before  
the next date of hearing.

Yours faithfully,

( M. Y. ANSARI )  
DEPUTY DIRECTOR ADMN (D.I.)

Copy to:-

The Joint Director, CGHS, with the request to please  
approach the Standing Govt. Counsel to keep in view the  
above two points while preparing the draft written  
statement to be filed in the case before the next date  
of hearing.

O/C

DDA(CGHS(D.I))

ANNEXURE - 29

OFFICE OF THE ACCOUNTANT GENERAL (A & E), ASSAM,  
MAIDAMGAON ::GUWAHATI-29.

(CENSORED)  
60

No. Admin-2/BG-MDL/TA/2000-2001/91

Dated 02.6.2000.

FAX

To,

The General Manager-Finance,  
Apollo Hospitals Enterprises Ltd;  
21, Greams Lane, Off. Greams Road,  
Chennai - 600 006.

A fax message received today(02.6.2000) at 4.20 P.M. from Shri Bimalendu Gupta stating that his wife Smti Ajanta Gupta who is presently undergoing treatment at your hospital at Chennai has been referred to Indraprastha Apollo Hospital, New-Delhi for second Medical opinion and allowed to travel by Air to Delhi.

Kindly confirm the fact by return Fax to The Deputy Accountant General(Admin) on Fax No. 0361 303142.

*Replies* 2.6.2000

Deputy Accountant General(Admin).

अप महालेखाकार (प्र०)

Dy. Accountant General (Admin.)

महालेखाकार का कार्यालय (ले.एन.ह०)

O/O the Accountant General (A&E)

असम, गुवाहाटी

Assam, Guwahati

61

Dr. MUKUL VARMA

M.D., D.M.

Neurophysician

ANNEXURE - 30

Indraprastha Apollo Hospital  
Mathura Road, Sarita Vihar  
New Delhi 110 014  
Phone: 6925050, 6925001, Ext 1050  
Fax 011-6023629  
Consultation daily 9.00AM to 1.00PM

Apollo Clinic  
13 New Rajbhawan Enclave, Vikas Marg  
Delhi 110 002  
Consultation: Thurs only 7.00 - 8.00 PM  
For appointment call 2222146, 2212025

Residence  
1376, Sector 37, NOIDA, 201 303  
Phone from Delhi: 91-4575440  
From outstation: 0110-4575440  
E-mail: [mvarma@physi.com](mailto:mvarma@physi.com)  
By appointment only

8.6.80

? ? Chronic fatigue syndrome

Rp Good protein diet

Tab Tryptomer (10)

1 tab at bedtime

M. Varma

Tab Proctin (1/2g)

1/2 tab TDS

Syp Haem 1/2g

1 month

Tab Nopragyn (250)

x 1 week

1 tab B.D. (o. of 1/2 month)

Initial symptoms  
increased by stress.

M. Varma

M. Varma

12.6.80

% Body aches - Sust 93

Fatigues - "

Insomnia &amp; lack of convul. h.

ESR ↑ for long  
Other test - No ↑  
(ACR)

② E. (HMF)

Speech / N  
Ganglion / N

No new findings

Motor

Sensory / N

Reflexes / N

cont.  
ESR → 170 mm. 1/11.  
(1st. 9.3-7)

of outstanding claim amounting to Rs.81,127/- related to treatment and air fare for the treatment of the applicant's wife and also for sanction of air fare Advance of Tkash Rs.48,000/- and Medical Advance Rs.30,000/- for review of treatment at Indraprastha Apollo Hospital of the wife of the applicant. The same is also pending with the Hon'ble Tribunal.

d) Dy. Director Admin (D. I.) Mr. M. Y. Ansari vide his letter No. C. 14012/14/2000-CGHS/D. I. dated New Delhi 26.9.2000 requested the Respondent No. 5 (the Deputy Accountant General (Admin) at the office of the A.G. (A&E) Assam, Guwahati to contact the CGHS Authorities in Guwahati so that they could request the standing Govt. counsel to keep in view of the two points mentioned in above letter (Annexure-A). P/II

In the replies to the statements which are not specifically admitted by the applicant may be treated as denied.

The replies to the written statements in O.A. No. 149/2000 and O.A. No. 369/2000 are clubbed together and are furnished below:

1. After perusal of averments made in O.A. No. 149/2000, the Hon'ble Tribunal considered the urgency and need in the matter and in order to save the life of the patient directed the Respondent No. 3 to grant the applicant Rs. 80,000/- at the wife of the

by Plane from Guwahati to Chennai and back. The question of applicant's travel by air could be looked into subsequently. The air travel of the patient, the applicant's wife, alongwith escorts to and fro Guwahati/Chennai was also approved by the Govt. of India vide NS.C-14012/14/2000-CG.L/24 dated New Delhi-25.7.2000 addressed to Joint Director, CGHS Guwahati which was communicated to Respondent No.3 and 5 is not mentioned in the written statement of the Respondent. They have suppressed these facts deliberately(Annexure-A). P/12

1.1. So far as the question of entitlement of the applicant's travel by air is concerned, it may be stated here that the applicant has applied to the Respondents to grant him the advance air fare to the patient with two escorts as recommended by the treating physician Dr. K.Medhi of CGH on 9.9.99 to the effect that air travel with two escorts is absolutely essential considering the deteriorating condition of the patient and the same was approved by the Respondent No.4 vide his letter No.D-1206/1/99/(1), 2001 dated 14.9.99 P/13-14 (Annexure-B & C) respectively. The treatment of the patient (wife or the applicant) is a prolonged one and continuous need after every 3(three) months. Accordingly approaches made to Respondent No.3.

1.2. In this connection Rule 4 Appendix VII of CG(MA) Rules, 1944 (Swanya compilation) is reproduced below:-

\*The patient (whether Government servant or a member of his family dependent on him) and also

his attendant (whether recommended by the attending doctor) should be entitled to travelling allowance plus daily allowances for the period of journey undertaken by rail as per the entitled class or the lower class by which the journey is actually performed, road, sea (ship, steamer etc) and air (within the Country) for obtaining appropriate medical attendance or treatment".

The patient is entitled to air journey for the treatment as per above rule.

1.3. It may be pertinent to mention here that after preliminary check up at Apollo Hospital, Chennai, the attending doctor Dr. Deepak Arjunadas, Nurse referred the patient Mrs. Ajanta Gupte, the wife of the applicant, to Indraprastha Apollo Hospital, New Delhi for 2nd opinion and diagnosis on 6.6.2000 (Annexure-1). The fact of referring the patient to New Delhi was intimated to the Respondent No. 3 by FAX on 2.6.2000 for arranging air fare and treatment money required at New Delhi. The applicant waited till 7.6.2000 for word the Respondents, the respondent No. 3 and I act accordingly to provide the air fare and medical treatment cost. The Apollo Hospital, Chennai voluntarily gave the fund of Rs. 24,000/- for treatment at Indraprastha Apollo Hospital, New Delhi. The same amount spent the applicant route Chennai-New Delhi on 8.6.2000 Delhi-Guwahati due to necessity which was utilized and this fact has already been mentioned in the M.P. No. 209/2000 (in C.I. No. 149/2000). Annexure-1

the Respondent No. 3 collected Medical certificate from the treating physician of the patient by FAX on 8.6.2000, issued by the treating doctor Dr. Deepak Arjandas of Apollo Hospital Chennai on 7.6.2000 recommending the air travel to the patient stating that the ("patient is fit to travel by Air") (Annexure-E) P/16. The treating physician of the patient suggested/decided to admit the patient to the Apollo Hospital Chennai (Annexure-F/17/Advice Slip dated 29.5.2000) but due to shortage of money the patient was not admitted.

2. with regard to written statements made by the Respondents in the O.A. No. 369/2000, the applicant states that as per advice of the treating physician Dr. Mukul Verma the condition of the patient was to be reviewed after 3(three) months and also recommended the air travel with advice "avoid long journeys but to travel by Air". Accordingly, the patient ~~was~~ to report to the Indraprastha Apollo Hospital, New Delhi in September, 2000(Annexure-6 & H) P/18,19. The applicant, accordingly, applied to the respondent for sanction of medical advance and air fare as per certificate issued by the treating physician Dr. Mukul Verma on 11.09.2000 (Annexure-I) P/20. The clarification on the above certificate was called for by the Respondent on 14.09.2000 and the said clarification was by Dr. Mukul Verma on 18.9.2000. The certificate of Dr. Verma dated 11.9.2000 states that the patient was advised to avoid long distance travel by Road or train, preferably travel by air with two escorts. The respondent No. 5 vide order dated 22.9.2000 rejected the prayer of the

applicant for advance of Medical advance and air travel advances related to treatment to the wife of the applicant.

2.1. It would be appropriate to mention here that the wife of the applicant is entitled to travel by air alongwith two escorts as per medical advice dated 31.5.2000, 7.6.2000, 12.6.2000 and 11.9.2000 for medical treatment (Copies of the medical advice dated 31.5.2000, 7.6.2000, 12.6.2000 and 11.9.2000 are at Annexures-<sup>J, E, G, 1 & 21, 16, 18, 20</sup>). In the aforesaid advices of the doctors of the Apollo Hospital, the patient ought to go to the Apollo Hospital New Delhi for review of treatment after 3(three) months. The respondent No. 4 rejected the claim of the applicant for grant of air fare and medical advances. As such, this O.A. No. 369/2000 was filed by the applicant. The Hon'ble Tribunal considering the facts and circumstances mentioned in the application was pleased to order on 31.10.2000 and directed the Respondent No. 3 to grant the Medical advances and air fare to and fro Guwahati and Delhi. Accordingly, the patient reported to Apollo Hospital New Delhi in November, 2000 for review of her treatment. The attending physician of Apollo even Delhi advised the patient to report after 3(three) months for review of treatment which was due in February, 2001 (Medical advice dated 13.11.2000 is at Annexure-<sup>16 & 22</sup>). The application of the applicant dated 12.2.2001 was kept with respondent. Accordingly, an O.P. No. 57/2001 was filed on 19.2.2001. The application of the applicant was rejected by the Respondent No. 5

vindictively vide his letter dated 8.3.2001 (copy of letter dated 8.3.2001 of Respondent No. 5 and application dated 12.2.2001 are annexed as Annexure-L and M respectively). P/23,24

3. As per advice of Respondent No. 5 dated 20.4.2001 the matter was taken up with the Respondent No. 6 by FAX dated 27.4.2001 (Annexure-L1) for issue of essentiality certificate as desired by the Respondent No. 3 and 5 which was denied.

4. The Deputy Director, Admin (D.I.) of Directorate General of Health Services, New Delhi's order dated 28.9.2000 which was collected by Respondent No. 5 by his letter No. Admin. II/BG-MIL/TA/2000-01/437 dated 6.9.2000 stating para (ii) in the aforesaid letter is not correct. An application was made by the applicant against this order to the Respondent No. 1 on 7.12.2000 through Respondent No. 3 (Annexure-A4-O) P/11,27

5. The applicant further states that the patient is an employee under State Govt. of Assam. She opted for medical treatment facilities/CS(MA) Rule, 1944 applicable to Central Govt. employees from the Respondent No. 3 where her husband (the applicant) is employed and opted out the medical allowances admissible to the State Govt. employees. She has been suffering from Osteopenia/Osteoporosis, a disease of which weakens bones making them brittle. It is a silent disease and if not prevented or left untreated the same continues until a bone breaks. The period of review expired in

the month of February, 2001 and the patient failed to report for review due to delay, negligence of Respondent No. 5 and 3 for non-sanctioning of required medical advances and air fare to and from journey by air with escorts (as per Annexure-R).<sup>P/12</sup> The health condition of the patient is deteriorating and being helpless the patient was examined and treated by Doctor Dilip Ghosal DHMS who on 12.3.2001 who advised the patient to report immediately at Indraprastha Apollo Hospital, New Delhi. The doctor attending the patient also suggested that she should travel by air with two escorts. (Copy of medical advice is at Annexure-R)<sup>P/28</sup> which was not accepted and rejected by the Respondent No. 4. (application dated 15-3-01 Annex- Q1) <sup>P/29</sup>

5.1. It may be stated that the applicant also approached the Joint Director, CGHS, Guwahati and requested him to examine the patient in her residence. But the Joint Director, CGHS, refused to examine the patient saying that as the patient is under the treatment of Indraprastha Apollo Hospital he cannot examine and treat the patient.

6. The applicant begs to state that as per Govt. circular dated 26.6.2000 respondent No. 3 and 5 are bound to sanction advance enabling the patient to report in the Indraprastha Apollo Hospital positively on the recommended time, but the respondents have ignored the said circular (Annexure-R).<sup>P/30</sup>

7. The applicant begs to state that inaction of the respondents has deprived the patient of the

29

fundamental rights to life and medical treatment guaranteed by the constitution as well as ~~her~~ <sup>other</sup> legal rights and a violation of Rule 4 Concession for families of CS(Ms) Rule, 1944(Swamy's compilation).

The applicant therefore respectfully submits before the Hon'ble Tribunal to consider this matter in the interest of treatment of the patient and allow air travel with two escorts for review of her treatment on medical advice, treatment cost and the payment of outstanding amount Rs.82,147/- which includes air fare and treatment cost.

Verification .....

VERIFICATION

I, Shri Bimalendu Gupta presently working as a Senior Accountant in the office of the A.G.(A&E) Assam, Guwahati -29 do hereby verify that the statements made in paragraphs 5.1, 7, are true to my knowledge and those made in paragraphs 1, 1.1, 1.2, 1.3, 2, 2.1, 3, 4, 5, 6, being matter of records which I believe to be true and rest of my humble submission before the Hon'ble Tribunal.

AND I sign this verification 31<sup>st</sup> day of May, 2001 at Guwahati.

  
Signature  
31/05/2001

Annexure A

11  
IMMEDIATE

COURT CASE

BY SPEEDY POST AS

NO. C 14012/14/2000-CGIS/D.I  
Directorate General of Health Services

Nirman Bhavan, New Delhi

dated the 28th Sept., 2000

To

The Deputy Accountant General (Admn.)  
Office of the Accountant General (A&E) Ansari  
Maidanjor, Deltola  
Guwahati-29.

Subi-Approval for grant of Air fare-etc in connection with  
the follow up treatment of Smt. Ajanta Gupta wife of  
Shri Bimalendu Gupta.

Sir,

Please refer to your letter No. Admn. II/BG-MEL/  
IA/2000-01/437 dated 6.9.2000 on the above subject.

2. The case was examined in consultation with the  
Ministry of Health and Family Welfare and you are requested  
to take the following action as approved by the Ministry  
of Health:-

- (i) Payment of amount of air travel to Shri Gupta  
to and fro Guwahati-Chennai only as per the  
Hon'ble CAT's Order instead of Guwahati-Chennai  
New Delhi-Guwahati.
- (ii) Submission of specific certification of the  
treating physician of Apollo Hospital, Chennai  
to the effect that the "air travel" for the  
patient is absolutely necessary.

You are also requested to contact the CGIS Authorities  
in Guwahati so that they could request the Standing Govt.  
Counsel to keep in view the above two points while preparing  
the draft written statement to be filed in the case before  
the next date of hearing.

Yours faithfully,

( M. Y. ANSARI )

DEPUTY DIRECTOR ADMN (D.I.)

Copy to:-

The Joint Director, CGIS, with the request to please  
approach the Standing Govt. Counsel to keep in view the  
above two points while preparing the draft written  
statement to be filed in the case before the next date  
of hearing.

O/C DDA(CGIS(D.I))

Annebure 'A'

MOST IMMEDIATE  
COURT CASE

NO.C.14012/14/2000-CGHS/D.I  
Directorate General of Health Services

Nirman Bhavan, New Delhi

dated the 25th July, 2000

To

✓ The Joint Director,  
CGHS, Anandakuteer, Path, Zoo,  
Narangitenale, R.G. Barwa Road,  
Guwahati-781 003.



Sub:-Q.A. NO.149/2000, CAT Guwahati Bench Sh. Bimalendu Gupta  
V/s Union of India and others.

Sir,

Please refer to your letter No.C.18018/1/97-98/832  
dated 16th June, 2000 on the above subject. I am to convey  
the approval of the Govt. to the air travel by Sh. Bimalendu  
Gupta alongwith his wife Smt. Ajanta Gupta to and fro Guwahati-  
Chennai for the follow up treatment of his wife.

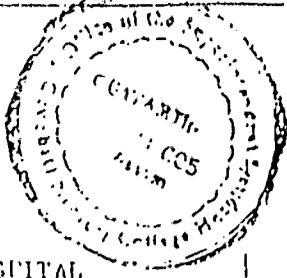
2. This issues with the approval of JS(PA) vide Dy.  
No.94-Court Case dated 14.7.2000.

Yours faithfully,

L/Nongpiur  
25/7/2000

(DR(MRS)L.NONGPIUR )  
ADDL. DEPUTY DIRECTOR GENERAL (HQ)

ANNEXURE - B



(13)

GAUHATI MEDICAL COLLEGE HOSPITAL  
OBST & GY DEPTT.

Dated Gauhati, the 9th Sept/99.

WHOM IT MAY CONCERN

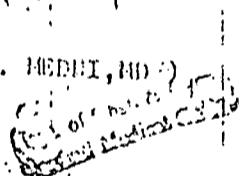
This is to certify that Mrs Ajanta Gupta, wife of Shri B. Gupta age 34 years has been under medical investigation and treatment since 16.8.99. She has been suffering from Menorrhagia & low grade fever and weight loss. She was treated for the same at Apollo Hospital, Chennai from 2.2.98 to 9.2.98. As her condition is deteriorating again due to Menorrhagia, epidoxic, low grade fever with general weight loss. She is advised and referred again for further check up and treatment at Apollo Hospital, Chennai.

2(two) escorts are allowed to and from journey by Air is absolutely essential for the condition of the patient.

Estimated cost of Rs.40,000/- (Rupees forty thousand) per day is required for investigation and treatment. The cost will not be borne by Govt. of Assam.

No. int'l Regn. No. 7352/99 dtd. 16.8.99.  
Hospital No. B.14107 dtd. 16.8.99.

*Dr. R. MEHTA, MD*



Central Government Employee.

ANNEXURE- C / C / M

Govt. of India,  
Ministry of Health & F.M.,  
Dte. General of Health Services,  
Central Govt. Health Scheme,  
Pinaki Path (7th Bye Lane),  
Zoo-Narengi Tiniali,  
Guwahati - 781 003.

NO.D.12016/1/99/(1)/ 2021

Dt. 14.9.99

To,  
The Director,  
Central Govt. Health Scheme,  
Dte. General of Health Services,  
Nirman Bhawan, New Delhi-110011.

Sub : Approval for Air travel on emergency.

Sir,

Enclosed please find herewith copy of a medical report alongwith our permission letter to Smt. Ajanta Gupta W/o Shri Bimalendu Gupta, Sr. Acctt. o/o the A.G (A & E), Guwahati for Apollo Hospital, Chennai.

As Dr. R. Modhly MD, Guwahati Medical College Hospital certified, the patient requires to attend Apollo Hospital, Chennai - 6 immediately with two escorts by Air which is absolutely essential for the condition of the patient. Accordingly the incumbent has been permitted by us to attend the said hospital on 14-9-99 (vise enclosed letter).

Permission for Air Travel may be granted considering the deteriorating condition of the patient-as a special case.

Approval for air travel is strongly recommended.

Yours faithfully,

( Dr. B. Saikia )  
Joint Director.

Copy to :-

1. The Accountant General, (A&E),  
Assam, Maitangbaon, Boktola, Guwahati-29,
2. Shri Bimalendu Gupta,  
o/o the AG(A&E), Assam, Guwahati-29.

( Dr. B. Saikia )  
Joint Director.

spitals  
chennai

בְּנֵי יִשְׂרָאֵל וְבְנֵי יִשְׂרָאֵל

4:00 - 6:00 P.M. - MONDAY TO FRIDAY

## ANNEXURE

1100 - 111 Abing.

10. *Leucosticte Arctica* *Agassizii* *Colchica*  
with *Platyrhynchus* 7-11 *Alauda* *fringilla*  
*Colluris* *fringillaria*  
with *Spizella*

Wardwell

High  
below

प्रभ अमुजा  
प्रभुकृष्ण  
नवदीन

1. **Greens Lang, OIL, Greens Road,**  
2. **Post : 600 005**  
3. **tel : 01111 1200200 Fax : 01144 9231422**  
4. **Appli Loop 11c : 41.6410 ALLES RI**  
5. **Callin : 19, Bishop Garden, Charnel - 600 920**

For Airporterside Credit  
02733113 0200200, Fax 0273  
0552424 / 0532111 / 051111  
For Eurogreetings Credit  
0411112 / 0411071

**Apollo  
Hospitals  
Chennai**



Dr. DEEPAK ARKINDAS  
M.D. (M&S), D.M. (NEURO) Dip. Neuro-Log. F.R.S.H. (Lor) FAIMS  
CONSULTANT NEUROLOGIST & NEUROINTENSIVIST

16

CONSULTATION HOURS:  
4.00 - 6.00 P.M. - MONDAY TO FRIDAY

Mrs. Apurva Gupta has extreme weakness in  
both legs & pain in the legs. She may have  
a malignant disease. Please refer to  
a neurologist for an opinion. Ultrasound  
& Electromyogram studies may be advisable  
if she is to travel to abroad.

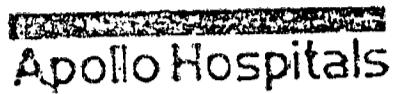
Dr. Deepak  
7/6/00

(17)

Annexure. ~~Page~~ 6

PLEASE MAKE YOUR BOOKING AT ADMISSION COUNTER No 3

ADMISSION SLIP



Name of Patient	Regn. No.
Amriti Singh	

Type of Accommodation	Gen Hosp
Probable Stay	20 days
Purpose of Admission	Woken up for gen resp

**SPECIAL INSTRUCTION (if any)**

To Nurse

To Duty Doctor

Digit

Abdul

Peale

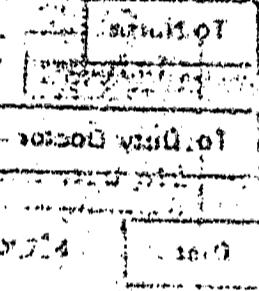
**5. Signature of Consultant**

**ALL OFFICES accompany Application of Admission)**

U.S. AIR FORCE

Service.

82222930  
Pet



KINDLY CALL AT.....

11 am

29/5/2000

82222930 [Direct Number] Tel. 82222930  
Phone Nos. 8271447, 8271268, 8272002 Exte 2507

SIGN.....

BB 29/5/2000

(18)

Annexure

Sr. Consultant Neurologist  
 Indraprastha Apollo Hospital  
 New Delhi  
 Visiting Consultant:  
 Siddhartha Apollo Hospital,  
 Kathmandu  
 Member:  
 Neurological Society of India  
 Indian Epilepsy Association  
 Indian Academy of Neurology

Dr. MUKUL VARMA  
 M.D., D.M.  
 Neurophysician

Indraprastha Apollo Hospital  
 Mathura Road, Sarita Vihar  
 New Delhi 110 044  
 Phone: 6925858, 6925801, Extn 1060  
 Fax 91-11-6823629  
 Consultation daily 9:00AM to 1:00PM

Apollo Clinic  
 13 New Rajdhani Enclave, Vikas Marg  
 Delhi 110 092  
 Consultation: Thurs only 7:00 - 8:00 PM  
 For appointment call 2222146, 2212825

Residence  
 1376, Sector 37, NOIDA, 201 303  
 Phone from Delhi: 91-4575440  
 From outstation: 0118-4575440  
 E-mail [mvarma@vsnl.com](mailto:mvarma@vsnl.com)  
 By appointment only

8.6.00

? ? Chronic fatigue syndrome

R. Good protein diet  
 Tol. Tryptophan (10)  
 1 tab at bedtime  
 |  
 M. Varma

After 1 month

ESR E  
 reported: Tol Proctin (4 mg)  
 $\frac{1}{2}$  tab  $\frac{1}{2}$  tab  $\frac{1}{2}$  tab

30mm  $\downarrow$  1 month  
 Syp Haem 1 by  $\frac{1}{2}$   $\frac{1}{2}$   $\frac{1}{2}$

x 1 month

x no relief, add.

Tol Naprosyn (250) ~~1 tab~~

Adv x 1 week  
 Avoid long journeys.  
 Travel by air.

M. Varma

1 tab BD  $\downarrow$  after meals.

9. Body aches - Sust' 93  
 Fatigue - "  
 Insomnia & lack of  
 ESR ↑ for long <sup>concent</sup>  
Other test - Normal  
(Abd)

② E I&MF  
 Speech /w  
 Chancrns /w  
 No visual deficit  
 Motor /w  
 Sensory /w  
 Reflexes /w  
 last  
 ESR  $\rightarrow$  40 mm in 14L  
 (Ab. 9.3 mg %)

(19) Annexure 1/1

Sr. Consultant Neurologist  
Indraprastha Apollo Hospital  
New Delhi  
Visiting Consultant:  
Siddhanta Apollo Hospital,  
Kathmandu  
Member:  
Neurological Society of India  
Indian Epilepsy Association  
Indian Academy of Neurology

Dr. MUKUL VARMA  
M.D., D.M.  
Neurophysician

9311017829 (Mobile)

Indraprastha Apollo Hospital  
Madhura Road, Sector 17  
New Delhi 110 044  
Phone: 0125858, 61225201, Ext. 1060  
Fax: 21-11-0523020  
Consultation daily 9:00AM to 1:00PM

Apollo Clinic  
13 New Raychand Endevu, VIKAS NAGAR  
Delhi 110 032  
Consultation: Thurs only 7:00-8:00PM  
For appointment call 2222140, 22172825

Residence  
1378, Sector 37, NOIDA, 201 301  
Phone from Delhi: 01-1570410  
From outside: 0171-4333410  
E-mail: mvarma@vsnl.co.in  
By appointment only

12-6-00

Mrs. Aganta Gupta,

A. ? Chronic fatigue syndrome  
+ Osteopenia.

Kp

Prachi (4y)

1/2 x T2-5

Limbs up 1/2 x T2-5.

3 units

rest on side in Prado / Cognac

100 mg after 3 weeks

100 mg

Pain in back  
of by walking

no a nocturnal

M Varma

Annexure 1

INDRAVRASTHA  
**APOLLO**  
HOSPITALS



11 September 2000

**TO WHOM IT MAY CONCERN**

**Re : Mrs Alanta Gupta, Hospital ID No. M10029221**

This is to state that Mrs Ajanta Gupta is suffering from ? Osteopenia and is required to come to this hospital for investigations and review.

An amount of approximately Rs.60,000/- (Rupees Sixty Thousand only) would be needed for the investigations and hospital stay. She is also advised to avoid long distance travel by road or train ; it is preferable that she travels by air along with two escorts.

Pari Chaudhary

*fn* DR MUKUL VERMA  
Senior Consultant - Neurology

**WORLD CLASS HEALTHCARE**

Address : Sarita Vihar, Delhi-Mathura Road, New Delhi-110044. Ph. : 6925858, 6925801 Fax : 91-11-6823629.

SEPT. 12, 2000 4:11PM P 1  
PHONE NO. : 011 6823629

FROM : APOLLO HOSP DELHI

~~Annexure 1~~  
Annexure 1

Dr. R. SHIDHARAN, M.D., D.M. (Neuro), M.M.U.S  
Consultant Neurologist

553658

Mrs. Meenakshi, 34, F 31/5/2000

Somnolent during

Day time, can't sleep, flaccid tongue - norm

At Encephalitis opinion.

Ex

① Zorbtex <sup>25mg</sup> daily 1 - - - x 3 months

② Trizina 1mg at bed time - - - 1 x month

③ Sypat bed time - - - 1 x month

④ 25mg at bed time x 1 month

Neurology: history

100%

① - - - Feserit 1 daily 1 - - - x 3 months

② - - - Syp 1 daily 1 - - - x 3 months

③ - - - Nervotone 1 daily 1 - - - x 3 months

Neurologically fit for discharge

100%

Apollo Hospitals

21, Grenville Line, Off. Grenville Road, Chennai - 600 000  
Tel: 0293333 / 0290200 Fax: 91-44-0266761 / 0234429  
Regd. Office: 19, Bishop Garden, Chennai - 600 028  
E-mail: apollo@vsnl.com



Dr. R.C. Arora

PHYSICIAN

MBBS (Gold Medalist), M.D. (PGI)  
MRCP (U.K.), Dip. Cardiology (London)  
Fellow Rheumatology (U.K. & U.S.A.)

SPECIALIST: RHEUMATOLOGY / IMMUNOLOGY / HIV

INDRAVASTHA  
APOLLO  
HOSPITAL

22

13/4/2000

Ajanta Gupta

Y/F, M/M, MO029221

Connective tissue disorder → Undifferentiated

(1) Sjögren's syndrome.

Leucopenia (1000-1500/mm<sup>3</sup>)

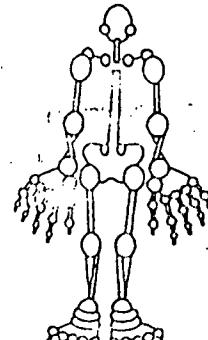
ANL +

low C<sub>3</sub> & C<sub>4</sub>

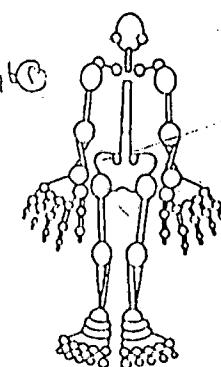
B.P.

Pulse.

Wt. 21 kg



(2) Benign hypermobility syndrome



(3) Osteopenia

(4) Fibromyalgia

⑤ AVOID SUNLIGHT

Bed Rest 1mth

Unrelated present  
X → ②

Tab Plaque 2mg

⑥ Ocid 2mg

⑦ Sheldol 2mg  
Osteofit 2mg C3 332

⑧ Typtam 2mg

⑨ Tab Hydrochloride 10mg

Follow up 3mth.

NOT VALID FOR MEDICO LEGAL PURPOSES

Essential  
3mth

7-8pm

1mth

1mth

Continue

APOLLO HOSPITAL :

Sarita Vihar, Mathura Road, New Delhi-110044.  
Tel.: 6925858, 6925801 Extn. 1271.  
Resi.: 2450723, 7019281, 7021608  
Website: <http://rheumatology.8m.com>

OPD Timing:  
Mon, Tues, Sat, Sun. 10.00 - 12.00 Noon.  
Tues, Fri. 3.00 - 5.00 p.m.  
Wed. 8.00 - 10.00 a.m.

E-mail: [drc2000@satyam.net.in](mailto:drc2000@satyam.net.in)

Date: 24-04-2001

By FAX

To

Dr. Mukul Verma/Dr. RC Arora, Treating physician, Care/Malini/ Rajiv, Execu-Corp.

As per above prescription the condition of patient informed. Till date no further reply received from your end, resulting A.G. (A&E) \* Assam not yet sanction fund and treatment related air fare and delay. Apart from, medicine stopped as advised over phone. severe back pain, unable to sit & move due sudden bone locking, dizziness, weakness. She is in complete bed rest. As per family doctor D.Ghosal she is to report Apollo immediately and also advised to avoid long distance travel by Road or Rail. Kindly do the needful for protection of life and treatment. Estimate cost of treatment and fit to travel by air please certify to report immediate. My fax No. 0361-459105 and phone No. 0361-515223 (Resi). journey date 25/4/2001 deferred again.

Yours Ajanta Gupta  
(Mrs. Ajanta Gupta)

CONFIRM. REPORT

PHONE NUMBER	:	0116823629
PAGES	:	01
START TIME	:	24-04 08:39
ELAPSED TIME	:	01'00"
MODE	:	STANDARD
RESULTS	:	OK

24-04-2001 08:40

23

Annexure.

OFFICE OF THE ACCOUNTANT GENERAL (A&E),  
ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI-29.

No. Admn-2/BG-MDL/TA/Part-II/2000-01/ 1000

Dated 08-03-2001.

With reference to his application dated 26-02-2001 endorsing a copy of the representation for forwarding it to the Hon'ble Union Minister, Ministry of Health & Family Welfare, New-Delhi regarding non-settlement of TA/Medical Claims in connection with his wife's treatment, Shri Bimalendu Gupta, Sr. Accountant, is hereby informed that as per Interim Order of the Hon'ble CAT, Guwahati Bench, TA Advance, Medical Advance have been duly sanctioned and paid to him and pending decision / final verdict of the Hon'ble CAT, Guwahati Bench with which he has filed a suit in this regard, his claim cannot be settled.

Medical claims, received so far in this office in connection with his wife's treatment at Apollo Hospital, Chennai / New-Delhi have already been settled.

Further, Sri Gupta's claim/ contention is not clear as regards grants of Air fare for his next visit to New-Delhi on 20-02-2001 in connection with his wife's treatment, as this section has not received any formal T.A. Advance proposal alongwith supporting documents/Certificates etc. from him till date.

Keeping in view of facts above, forwarding of his representation to the Hon'ble Union Minister, Ministry of Health & Family Welfare, New-Delhi cannot be considered.

Also, his another representation dt. 26-02-2001 addressed to the Accountant General regarding settlement of his Medical claims cannot be entertained on the grounds stated above.

This also disposes of his representation ddt. 26-02-2001.

*X. Siddhartha Singh*  
DEPUTY ACCOUNTANT GENERAL (ADMN.)

Shri Bimalendu Gupta, Sr.Accountant,  
Record (C) Section

प्रा. अकाउंटेन्ट (प्रा.)  
Dy. Accountant General (Admn.)  
महालिनिकार प्रा. अकाउंटेन्ट (डॉ.एन्ड ए.पा.)  
O/O the Accountant General (A&B)  
असाम, गुवाहाटी  
Assam, Guwahati

08/03/2001

To

The Comptroller & Auditor General of India  
10, Bahadur Shah Zafar Marg.  
Indraaprashta Head Post Office  
Post Bag No. 7  
New Delhi-2

Anwesha - M-  
24

Through proper channel submitted to Accountant General(A&E) Assam.

Subject : Delay and refusal of payment of air fare to attend medical treatment, medical advance to Mrs. Ajanta Gupta.

Sir,

I like to invite you kind attention again to the subject on my complaint dated 24-3-2000 and to the Hon'ble Minister of Health & F.W., New Delhi on 25-8-2000 for approval and sanction of air fare to attending medical treatment at outside state in time as a special case. The mis use of Appendix-VII a special provision of air fare of CS(MA)Rule,1944 , mis use of official capacity is liable for present deteriorating condition and damage is concern.

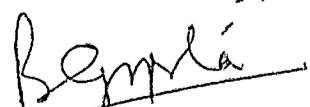
Central Govt. Is under constitutional obligation to provide health facilities to its serving employees/dependent and retire employee and its also the duty of the Govt. To bear re-imburse expenses incurred for specialist treatment in approved hospital for protection of life , right to health is an integral part of a citizen right to life. But in a order No 235-NGE(Bmt.)/8-98(I) dated 29-4-98 and dated 9-10-98 the Allopathic treatment declared compulsory and its monthly contribution from salary without option where as Govt. Of India not yet declared medical treatment is compulsory . Denying the right to treatment the A.G.(A&E)Assam was violating the woman right to life . Hon'ble Prime Ministry of India in his message to the nation on 1-1-2001 on women empowerment year 2001 , to upholding the dignity and protecting the right of the women and girls child , health care too .Ministry of Health and F.W. initiate and enquiry on delay of treatment , payment of air fare , decision is awaited .In the meantime Ministry of Health and F.W. vide his letter No.C14012/14/2000-CGHS/D.I dated 25-7-2000 convey approval of air journey to and fro Chennai on CAT order dated 5-5-2000 of OA No.149/2000 which files against Shri L.Siddhartha Singh , D.A.G. and Shri B.K.Das Purkayastha, Sr.A.O.(Estt.& Bills) . The order was ignored

Mutilated use of medical advises dated 9-9-99 , 10-1-2000 , 24-2-2000 of Guwahati Medical College and 8-6-2000 , 12-6-2000 , 11-9-2000, 13-11-2000 , 31-11-2000 may kindly examined . Air journey with two escorts are absolutely essential was strongly recommended by Joint Director ,CGHS , Guwahati vide No.D12016/1/99/(1)/2021 dated 14-9-99 on medical advise dated 9-9-99 followed by follow up treatment was not mentioned in your letter . In regard to review of treatment , CGHS order para 4 of A60011/1/98/CGHS(Ghy)/40 dated 26-6-2000 not followed by A.G.(A&E)Assam .Despite reminders compelled to file applications to CAT under No.MP No.209/2000 , OA No.369/2000 needed for life of the patient .All the details of treatment , air travel well intimated to Head Quarter on 13-6-2000 but no positive steps has been received from your end .

In regard to outstanding claim amounting to Rs.90,000/- (Rupees Ninety thousand) only including treatment cost , air travel and holtage D.A. in various spell are kept pending with A.G.Assam without assigning any reason .The treatment claim of Apollo Delhi during Nov.2000 was not submitted to A.G. due to instruction of Sr.A.O.(Estt & Bills) dated 24-10-2000 A part from that A.G. Assam initiate for creation of delay and damage of treatment vide his letter (1) Letter to Dr. Deepak Arjundas on 19-5-2000 (2) A.G.(A&E)Tamilnadu reply to A.G(A&E)Assam in regard to air journey to Delhi On 8-6-2000 , (3) Admin No.474 of 14-9-2000 (5) Admin. No.437 dated 6-9-2000 and No. 24-10-2000 may please be examined.

In view of the above kindly examine the facts and review your earlier statement and kindly furnish the correct statement to the Ministry of Finance , Ministry of Health and F.W. New Delhi for taking appropriate steps for delay , payment of air fare for attending hospital on 20-2-2001 as per medical advise and payment of all outstanding claims of Rs.90,000/- only and a compensation in this regard so that the patient may not deprive from justice.

Yours faithfully ,



(BIMALENDU GUPTA)  
Sr. Accountant.  
O/o the A.G.(A&E)Assam  
Maidamgaon , Beltola ,  
Guwahati-29

Dated the 12th. Feb.2001

Annexure = 1

25

\*\*\*\*\* COMMUNICATION REPORT \*\*\*\*\*

DATE/TIME : 01.04.27 12:00

TEL NO. : 0361309198

NAME : PEGUHPCO#GHY

IDENTIFICATION	START TIME	DURATION	MODE	PAGE(S)	RESULTS
0361 4577-12	04.27 11:58	01'29"	TX	02	OK

To

The Accountant General(A&E) Assam,  
Guwahati-29.

Subject: Required Medical advance and treatment  
related Air journey fare(both ways) to Delhi  
for review of treatment as per advise was due on  
12.2.2001

Sir,

With reference to your i/c DAG(A) memo No. Admn-II/BG-MDE/Pt.II/2001-2002/18 dated 20.4.2001 on the subject, I am to state that as per C&AG's letter you have made compulsory CGHS treatment and deducting contribution and funding to CGHS Guwahati without my consent. Hence it is your duty and responsibility to get any information in regard to treatment as required from CGHS directly. It is further stated that in many occasion it is noticed that Shri R.I.Sen Gupta Welfare officer initiate to do the needful, which is covered under duty and responsibility of the Welfare officer, but in my case he is not acted accordingly. Kindly do the needful in this regard, to provide or depute specialist doctor of CGHS related to illness "Osteoporosis" and your required certification, without any lapse.

In regard to CAT order dated 29.3.2001 of OA No. 298/1999 and 177/1998, the decision will be intimated to you. according to date.

Dated, Guwahati  
27.04.2001

Yours faithfully

Bimalendu

(Bimalendu Gupta)

Sr. Accountant

✓ By FAX.  
Copy to Dr.B.Saikia, Jt. Director, CGHS, Zootiniali, Ghy-3. with reference to DAG(A) letter No. Admn-II/BG-MDI/Pt-II/2001-2002/18 dated 20.4.2001, you are informing that the treatment of GMCH is over on the date of referring the patient to Apollo Chennai on 9.9.99 and she is now under treatment under Indraprastha Apollo Hospital Delhi, all details available with A.G.(A&E) Assam AG(A&E) Assam ~~xxxxxxxxxx~~ directed to collect Medical estimate cost of treatment and essentiality certificate for Air journey with escorts and deputation of CGHS doctor to my residence in this regard. Your instruction to AG, Assam dated 25.10.2000 alongwith letter dtd 26.6.2000 and Govt. OM dt 7.3.2000 not followed accordingly. Kindly send you decision to AG(A&E) Assam, by Fax by to-day (27.4.2000) positively so that I can get the justice. Family doctor advises to avoid long distance travel by Rail or Road. This to be treated "Urgent". Bimalendu (Bimalendu Gupta)

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OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM  
MAIDAMGAON::BELTOLA :: GUWAHATI-29

NO Admn-II/ 12

Dated-20-04-2001

With reference to his reply dated 16-04-2001 in response to this office memo dated 16-04-2001, regarding grant of T.A. advance (Air Fare) and Medical Advance in connection with his wife treatment at Indraprastha Apollo Hospital New Delhi Shri Bimalendu Gupta, Sr.Acctt., is hereby once again informed that, since he is a CGHS beneficiary, he should obtain the essentiality certificate for Air Fare from the CGHS Authority or from Guwahati Medical College Hospital, Guwahati and an estimate for Medical Advance from the Competent Authority and submit the same to this office for grant of T.A. advance (Air Fare) and Medical Advance as prayed for.

He is further directed to contact and consult CGHS Doctors as and when needed and in case of any exigency he should approach the CGHS Authority for deputation of Doctor to his residence to examine the patient as required under CGHS Rules.

In this connection his attention may be drawn to the CAT Orders dated 29th March 2001 in disposing the OA No. 298/ 1999 and 177/ 1998.

SR. DEPUTY ACCOUNTANT GENERAL (A)

Memo No. Admn-II/BG-MDL/Pt.II/ 2001-2002/18

dated 20-04-2001

Copy to Shri Bimalendu Gupta, Sr.Acctt.,  
Record ( C ) Section.

To

The Secretary to the Govt. Of India  
Ministry of Health and Family Welfare (Dept. Of Health)  
Nitinan Bhawan , New Delhi -11

Annexure (b) 27

(Through proper channel submitted to Accountant General (A&E) Assam)  
Subject : Approval for grant of Air fare etc. In connection with treatment/followup  
treatment of Smti Ajanta Gupta W/o Bimalendu Gupta.

Sir,

I beg to invite your attention to the Director General of Health Service (CGHS ) New Delhi letter No.C14012/14/2000-CGHS/D.1 dated 28-9-2000 address to Deputy Accountant General(Admn.) of A.G.(A&E) Assam , Guwahati-29 on the subject in response to his letter No. Admn.II/BG-MDL/TA/2000-01/437 dated 06-9-2000 in connection with Court case , which is communicated to the undersigned by Dy. Accountant General(Admn.) of A.G.Assam vide No. Admn.II/BG-MDL/TA/Part-II/2000-01/546 dated 20-10-2000 for rejecting the Air fare on medical advise of Apollo Hospital New Delhi to Mrs. Ajanta Gupta for follow up treatment for severe illness as a result an application filed in CAT , Guwahati Bench and order dated 31-10-2000 to avail Air journey and medical advance for treatment . The A.G.Assam misinterpreted the provision of CS(MA) Rules,1944 Appendix-VII, special provision for Air travel which is specifically mentioned for the use to the department as indicated in the OA No.OA/369/2000 .

Hence the para (ii) of DGHS Delhi letter dated 28-9-2000 not tallied with the rule so this may kindly be correct for the interest of the treatment and life of the patient.

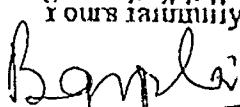
It is further mentioned that Smti Ajanta Gupta availed Air travel alongwith two escorts on medical advise of Dr. R. Medhi of GMCH,Guwahati considering serious illness and deteriorating condition approved by Joint Director CGHS ,Guwahati vide letter No.D 12016/1/99(1)/2021 dated 14-9-2000 for to and fro Air journey Guwahati and Chennai and also certified by Apollo Hospital Chennai. She was accompanied by her minor child below 12 years

Mrs. Ajanta Gupta availed Air Travel alongwith two escorts for review of treatment on medical advise of Apollo Hospital Chennai which was denied by A.G.(A&E) Assam and with directives of CAT Guwahati Bench order dated 5-5-2000 under OA No.149/2000 allowed to and fro Air journey Guwahati and Chennai . Accordingly on 21-5-2000 alongwith a minor child and escorts she performed Air journey to Chennai . After review she was advised to move Indraprastha Apollo New Delhi for follow up treatment with medical advise to avail Air journey by Dr. R. Sridharan , accordingly she moved to New Delhi by Air on 8-6-2000 alongwith escorts and minor child . The facts and circumstances well informed to A.G.Assam . After completion of investigation returned to Guwahati on Medical directives.

As per medical advise dated 11-9-2000 of Apollo Hospital , New Delhi , the Accountant General requested to release the required medical advance and Air fare with two escorts on the direction of attending doctor that "She is advised to avoid train and road journey and travel by Air ". Due to misinterpretation of provision of CS(MA) Rules,1944 Appendix-VII special for Air journey on merit on medical advise, the Accountant General(A&E) Assam compelled to take shelter under OA No.369/2000 for protection of life of the patient and availed to and fro Air journey Guwahati - Delhi on 6-11-2000 and 13-11-2000 .

In view of the facts kindly consider the circumstances and allow the Air journey with two escorts on medical advise and a minor child accompanied with patient and payment thereof at the earliest so the payment of the claim to be paid by Accountant General without any further delay for the interest of the treatment. All the details in regard to above journeys already received by Health Ministry & Director CGHS ,New Delhi In this regard my representation to the Hon'ble Health Minister dated 25-8-2000 letter dated 12-9-2000 may kindly be referred to. For this act of your kindness I shall ever pray.

Dated Guwahati,  
the 7<sup>th</sup> Dec.,2000

Yours faithfully ,  
  
( BIMALENDU GUPTA )  
Officer A.G.(A&E) Assam  
Guwahati-29

Ankhesur

Phone : 543200 (R)

28

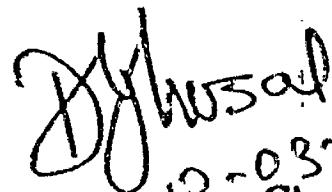
Dr. Dilip Ghosal, D.H.M.S.

GUWAHATI, ASSAM  
Regd. No. : 393 (A)

Date 12.03.2001

To Whom It May Concern

This is to state that Mrs. Ajanta Gupta age 35 years who is suffering from Osteopenia, connective tissue disorder with other ailments since 02.02.98 is under treatment of Apollo Hospital Chennai & Delhi, she is not improving, she is examine at her residence on call, considering the seriousness she is advice to attend Apollo Hospital, Delhi soon for review/investigation. She is also advice to avoid long distance travel by Road or train, Travel by air both ways alongwith two escorts is needed.

  
Dr. Dilip Ghosal  
12.03.2001  
Dr. Dilip Ghosal  
Regd. No. 393-A

Annexure - 1, (29)

To

The Accountant General(A&E) Assam  
Maidamgaon , Belotla , Guwahati-29

Subject : Air fare and medical advance for review / investigation as per medical advise of  
Indraprastha Apollo , New Delhi.

Sir ,

I beg to invite your kind attention to DAG(A) letter No. Admn.2 / BG-Mdl./TA/Part-II / 2000-01/1000 dated 08-03-2001 and Letter No. Admn-2/BG-Mdl./TA/Part-II/2000-01/887 dated 22-02-2001 on the subject the facts stated in the above letters is not correct and fabricated. I like to mention that in regard to review of treatment as per medical advise of Indraprastha Apollo , New Delhi in February 2001 received by Administration-2 Section in November 2000 which is related to OA No.369/2000 and intentionally delayed review which was fixed on 20-02-2001 was cancelled . As per medical advise Mrs. Ajanta Gupta was examined by House Physician Dr. Dilip Ghosal on 12-03-2001 on call and advise to report to attending Physician of Indraprastha Hospital soon . It is further requested to expedite the outstanding claims and to release the amount.

In view of the above , necessary sanction amounting to Rs.48,000/- for air fare and approximate amount of Rs.30,000/- may be required for review kindly be sanctioned and release by 20th March 2001 so that I can able to proceed soon.

Dated 15-03-2001

Encl. : Medical certificate dated 12-03-2001

Yours faithfully ,  
Bimalendu Gupta  
(BIMALENDU GUPTA)  
Sr. Accountant.

Whmild to  
- Kmy PA

Annexure - K (30)

Govt. of India,  
Ministry of Health & Family  
Welfare, Central Health Division,  
Central Govt. Health Scheme,  
Pinaki Path (7th Bypass Lane),  
Doo-Norongi, Guwahati,  
Guwahati - 3.

No.A.60011/1/98-CGHS (Ghy) / 40

Dt. 26-06-2000

C I R C U L A R

Sub : Delegation of power under CGHS reg. referral system, permission cases and ex-post facto approval - regarding.

Some Central Govt. Offices of Guwahati covered under CGHS queried certain points on the above matter. Clarifications of the same are given below : -

1. The Head of Department may grant permission to CGHS beneficiaries for treatment in any CGHS recognised Pvt. hospital within & outside Guwahati. For permission for treatment within Guwahati, referral slips of CGHS doctors referring the patient to the specialist required and for permission for treatment outside Guwahati, the name of the specialist to whom case had referred the patient is essential.
2. Ex-Post-facto permission for treatment in emergency at Pvt. Hospital/Pvt. Nursing Home/Pvt. Clinic can be decided by the Head of referring a patient outside the state, referral by a govt. specialist or specialist of a recognised hospital is must.
3. The Head can validate the permission granted earlier by him on expiry of stipulated period of six months.
4. As per rule, a beneficiary should go for a review positively on the recommended time. If the period exceeds much beyond the stipulated time, the beneficiary may be asked for a review through CGHS sector/govt. specialist for necessary opinion.
5. Number of attendant should not be more than what is recommended by the treating physician.

( DR. B. SARKAR )  
JOINT DIRECTOR.