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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Application No. 479 /2001

Applicant(s) :- Bimalendu Gupta

Respondent(s) :- W.O. I Form

Advocate for the Applicant :- In person

Advocate for the Respondent:- Cafe

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. F. for Rs. 50/- deposited vide IP / 5G/423234 Dated ... 28.12.2001.	24.12.01	<p>Heard Mr. B. Gupta, appearing in person.</p> <p>Issue notice as to why application shall not be admitted.</p> <p>List on 25.1.2002 for admission.</p>
<i>Dy. Registrar</i> <i>28/12/01</i>		<p><i>I C Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
<i>Only 2 copy of Notice required. 5 Copies short Excess amount not yet deposited</i> <i>28/1/02</i>	25.1.2002	<p>The applicant personally presented the case. The application is admitted and is taken up for final hearing alongwith O.A. No.149/2000, O.A.No.329/2000, O.A.No.369/2000 and M.P.No.57/2001.</p> <p>Heard the applicant as well as Mr B.C. Pathak, learned Addl. C.G.S.C. Hearing concluded. Judgment reserved.</p>
		<p><i>I C Usha</i> Member</p>
		<p><i>nkm</i></p>

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O.A. 479 of 2000

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8.2.02

Judgment delivered in open Court.  
Kept in separate sheets. Application is  
disposed of. No costs.

IC Usha  
Member

~~Received  
Bleuptr  
12/12/02~~

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29.2.2002

~~Copy of the  
judgment handed  
over to the Addrs  
for the Resps.~~

ff

~~For   
21.2.2002~~

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.C.Sarma (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

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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

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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

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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 a 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 applicant. The Hospital authorities <sup>U. Wele US</sup> are 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

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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 :

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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

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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

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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 a serious condition nobody <sup>would</sup> ~~would~~ 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.

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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 employ of Central Government. Thus it 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 be 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.

~~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.

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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 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 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 "Osteoporosis" 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."

*IC Usha*

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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.

such  
The reasons for writing/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 is under the rules. No infirmity/ found in the orders issued by the respondents regarding the applicant's claim for reimbursement . 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 a mode to travel by/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 to interim orders contradictory/this order stand vacated.

11 Usha

contd..19

*More required.*  
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,

Sd/ MEMBER (ADMIN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Central Administrative Tribunal

21 DEC 2001

(An application under section 19 of the  
Tribunal Act, 1985) GUWAHATI BENCH

OA NO. 479 / 2001

Shri Bimalendu Gupta ... Applicant

-Vs-

Union of India and Ors ... Respondents

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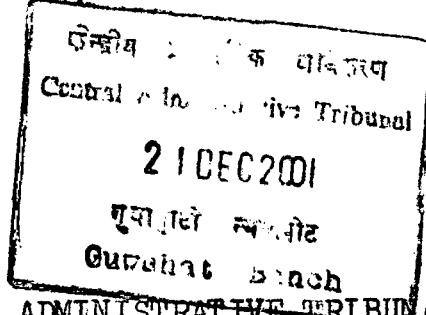
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For use in Tribunal's office

Date of filing:

Registration No:

Registrar.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.NO. 479 /2001

Shri Bimalendu Gupta ... Applicant

-versus-

Union of India & Ors ... Respondent

PARTICULARS OF THE APPLICANT:

- i) Name of the applicant : Shri Bimalendu Gupta
- ii ) Name of father : Late Biswanath Gupta
- iii ) Designation & Office in which employed : Senior Accountant  
O/o the Accountant General (A&E) Assam, Moidamgaon, Beltola, Guwahati-29.
- iv ) Office Address : O/o the Accountant General (A&E) Assam, Moidamgaon, Beltola, Guwahati-29.
- iv ) Address for service Notice : O/o the Accountant General (A&E) Assam, Moidamgaon, Beltola, Guwahati -29.

PARTICULARS OF THE RESPONDENTS

1. Union of India  
Represented by the Secretary to the Govt. of India, Ministry of Health and Family Welfare (Department of Health)  
Nirman Bhavan, New-Delhi-11
2. Comptroller and Auditor General of India, Bahadur shah Zagar Marg, Indraprastha P.O Post box no.7 New-Delhi-2.
3. Accountant General (A&E) Assam, Moidamgaon, Beltola, Guwahati-29.
4. Deputy Accountant General (Admn.)  
O/o the Accountant General (A&E) Assam, Moidam, Gaon, Beltola, Guwahati-29.

contd....2.

5. Welfare Officer,  
O/b the Accountant General (A&E) Assam,  
Moidamgaon, Beltola, Guwahati-29.
6. Senior Accounts officer  
Administration and Bills  
O/o the Accountant General (A&E) Assam,  
Moidamgaon, Beltola, Guwahati-29.
7. Joint Director,  
Central Govt. Health Scheme  
Ministry of Health and Family welfare,  
Anand kutir Path,  
Zootiniali, Guwahati-3.

..... Respondents

#### DETAILS OF APPLICATION

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

- A. This application is made against order No. Admn-II/BG-MDL/TA/Vol-II/2001-02/308 dated 10.09.2001 issued by the Respondent No.4 due to his failure to take necessary action on my representation dated 03.09.2001.
- B. Order No. Admn-II/BG-MDL/TA/Vol-II/2001-2002/243 dated 31.7.2001 issued by Shri Huveyda Abbas, Deputy Accountant General (Admn.) Respondent No.4 for recovery of ~~xxspenk~~ amount of Medical advance for Rs.19742/- in 8(eight) instalments @ Rs.2500/- p.m. with penal interest from the salary for the month of July, 2001 onwards.

##### I. JURISDICTION OF THE TRIBUNAL

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

##### II. LIMITATION.

The applicant declares that the application is within the limitation period prescribed under section 21 of the Administration Tribunal Act, 1985.

contd....3.

III. FACTS OF THE CASE

1. That your humble applicant is a citizen of India and he is serving in the office of the Respondent No.3 as Senior Accountant and as such he is entitled to all the rights and privileges guaranteed in the Constitution of India.

2. That your humble applicant states that his wife is a state Govt. employee and serving in the office of the Commissioner of Hills and Barak valley division, Guwahati. Under C.S.(M.A) Rule 1944 the wife of the applicant is entitled for treatment as well as his children and other dependent members. According to CS(MA) Rule, 1944 a joint declaration for availing medical treatment facilities and claims under this Rule is necessary and the joint declaration was submitted to Respondent No.3 on 10.07.1990.

A copy of the Joint declaration dated 10.07.90 is annexed herewith and is marked at Annexure-A.

3. That your humble applicant's wife is suffering from different ailments and she was treated in Guwahati Medical College Hospital. According to the recommendation of the treating physician of the GMCH the applicant's wife was treated in All India Institution of Medical science(AIIMS) New-Delhi and the same was approved by D.H.S, Govt. of Assam vide his letter No.HSG/1061/AIIMS/61/91/9695 dated 19.02.92 <sup>(Annexure-B)</sup> and her review of the treatment as per advise of the AIIMS was approved by the D.H.S, Govt. of Assam vide his No.HSG/AIIMS/61/91/9695 dated 4.9.92 <sup>(Annexure-C)</sup> but the follow up treatment could not be given to the applicant's wife due to non-payment of reimbursement claim in time. However as per C.A.T.'s order dated 10.2.93 in OA No.169/92 the said payment was made.

4. That since your humble applicant's wife has been suffering from different ailments her treating physician Dr. Robin Medhi of G.M.C.H. recommended that she should be treated in Apollo Hospital, Chennai. Accordingly she was treated there from 2.2.98 to 9.2.98 and from 19.9.99 to 29.9.99 during the period of treatment the attending physician of Apollo Hospital Chennai opined that a further period would be required for the investigation and treatment of the patient and the amount of Rs.30,000/- sanctioned by the Respondent No.3 was not sufficient and accordingly, the Hospital Authority(Finance Department) sent a fax message to Respondent No.3 for remittance but the respondent No.3 not respond and as such the hospital

the hospital authority suspended the investigation with the advice on 28.9.99 to report after 3(three) months for review.

Copies of the Fax Message dated 24.9.99 and medical advise dated 28.9.99 are annexed herewith and is marked at Annexure-D & E)

5. That the humble applicant begs to state that the review of treatment as per Apollo Hospital Chennai was approved by the Joint Director, CGHS, Guwahati vide his order dated 14.9.99 who was recommended for the 1st time that the Air travel with 2(two) escorts was absolutely essential considering the bed health condition of the patient and the incumbent was permitted to attend the said hospital vide his letter No. D.12016/1/99/(1)/2021 dated 14.9.99 of the Joint director, CGHS on the advice of the GMCH doctor dated 9.9.99. The patient was released from Apollo Hospital Chennai on 29.9.99 and the claims were submitted to the Respondent No. 3 but till date the claims are not settled for payment. Since 2.2.98 till date the wife of the applicant is being treated at Apollo Hospital Chennai and Delhi and the said hospital is approved hospital of Govt. of India, Ministry of H&FW Delhi vide O.M. dated 10.06.1997

Copies of medical advice dated 9.9.99 of Dr.R.Medhi of GMCH, Approval of Air fare CGHS, Guwahati and G.O.I. O.M. dated 10.6.97 are annexed herewith and are marked as Annexure-F.G & H

6. The applicant begs to state that the Respondents No.3,4,6 & 7 refused to provide medical treatment as per medical advice of the Apollo Hospital, Chennai and compelled the applicant to file an application to this Hon'ble C.A.T. for non acceptance of medical advice dated 10.01.2000 for the 2nd time review of treatment and the applicant was able to provide review of treatment of his wife as per Hon'ble C.A.T. 's order dated 5.5.2000 in OA No.149/2000. The approval of Govt. of India, Ministry of H&FW was communicated by the D.G.H.S. Nirman, Bhawan, New-Delhi vide his letter No.C.14012/14/2000-CGHS/D.I dated 25.07.2000.

A copy of the medical advice dated 10.1.2000 and a copy of G.O.I. approval Letter dated 25.7.2000 are annexed herewith and are marked as Annexure-I & J

20, 21

7. That the applicant begs to state that as per order dated 5.5.2000 of the Hon'ble C.A.T. the wife of the applicant received review of treatment at Apollo Hospital Chennai from 23.05.2000 to 06.06.2000 and arrived Chennai on 22.05.2000 by Air. The Respondent No. 3 sanctioned Rs.30,000/- as medical advance and Rs.32,324/- as Air fare. After investigation the attending physician Dr. Deepak Arjandas of Apollo Hospital, Chennai and Dr. R. Sridharan advises on 31.5.2000, 1.6.2000 and 7.6.2000 advise the patient to ~~xxx~~ Indraprastha Apollo Hospital New-Delhi for 2nd medical opinion and treatment, and air travel certificate is issued in this regard.

Copies of the medical advises dated 31.5.00 1.6.2000 and 7.6.2000 are annexed herewith and are marked at K, L, & M

8. That the applicant begs to state that the applicant's wife was treated at Indraprastha Apollo, Hospital New-Delhi from 8.6.00 to 12.6.2000 according to medical advise of Dr. Deepak Arjandas the applicant ~~xxx~~ travel by Air and report to Indraprastha Apollo, Hospital Delhi on 8.6.2000. After thorough investigation/checkup and treatment she was further advise to report after 3(three) months for review positively. According to medical advise the applicant ~~xxx~~ <sup>by air</sup> comming back to Guwahati from Delhi/as per attending medical advise on 12.6.2000. The matter was brought to the notice of the Respondent No.2 on 13.6.2000 for approval of Air travel and payment thereof. The approval and payment order is awaited till date.

Copy of the medical advise dated 12.6.00 is annexed herewith and the same is marked as Annexure- N, N!

9. That the applicant begs to state that after comming back to Guwahati from Delhi the applicant submitted an application ~~on 29/08/2000~~ to the Respondent No.3 to sanction Medical adyance and Airfare on medical advise dated 12.6.2000 and a medical advise for medical advance and Air travel certivficate dated 11.9.2000 was submitted to Respondent No.3.

Copy of the medical advise dated 11.09.2000 is annexed herewith and the same is marked as Annexure- O

10.

contd....6.

10. That the applicant begs to state that the Respondent No.3 rejected the said medical advise(Annexure-0) and finding no other alternative had filed an application bearing OA No. 369/2000 on 30th October, 2000 before this Hon'ble Tribunal and the Hon'ble C.A.T. was pleased to pass an interim order on 31.10.2000 ~~directing the respondent to sanction/grant advance T.A. for air fare and also directed the Respondent to restrain ed from recovering the amount of Rs.19,742.~~ The Respondent No.3 sanction Air fare Advance and the medical advance of Rs.48,000 was sent to Indraprastha Apollo Hospital Delhi by Bank Draft No.324177 dated 16.9.00 and handover the same to the applicant on 24.10.00 for hand over to the Apollo Authority. Thus the applicant was able to go to New-Delhi alongwith his ailing wife for medical review/treatment at Indraprastha Apollo Hospital New-Delhi. The patient was given necessary investigation/treatment from 7.11.2000 to 13.11.00 after investigation the treating physician Dr.R.C.Arora~~Y~~ advised the patient the wife of the applicant~~on 13.11.00~~ to report after 3(three) positively for review of her treatment.

11. That the applicant begs to state that he submitted an application on 29.11.00 to the Respondent No.3 for sanction medical advance as well as air travel cost. The review of the treatment of the patient was due on 13.02.2001. But no action was taken by the Respondent No.3 on the application dated 29.11.2000. Thereafter the applicant submitted another application on 15.03.2001 and 03.09.2001 to the Respondent No.3 alongwith medical advise of Apollo hispital Delhi and medical advise of the Registered medical practioners for sanction of Air fare and medical advance of Rs.60,000/- and Rs.80,000/- respectively but no action has been taken by the Respondent No.3 & 4 of the above applications till date.

Copies of application dated 29.11.00, 15.3.2001 and 03.09.2001 are annexed herewith and the same are marked as Annexure-P, Q & R

12. That the applicant begs to state that having no other alternative to the patient, the patient wife of the applicant herself being an state Govt. employee filed an Writ petition No.W.P.(C) 3660/2001 in 24.5.2001 before the Hon'ble Gauhati High Court and the Hon'ble High Court was pleased to grant interim relief to the Writ petitioner Mr s. Ajanta Gupta with a clear direction to the Respondent No.3 to sanction necessary amount of Air fare and medical advance within a week from the receipt of this order. The said order was submitted by the wife of the applicant Mrs. Ajanta Gupta to Respondent No.3 on 01.06.2001.

At this stage the Respondent No.4 ~~fixed~~ Shri Huveyda Abbas filed an Misc. Case No.816/2001 in WP(C)3660/2001 to the Hon'ble High Court mis-representing the fact that the Writ petitioner Mrs. Ajanta Gupta wife of the applicant has already filed a series of application before the Hon'ble C.A.T. and got relief as per direction of the Hon'ble C.A.T. In this connection it would be appropriate to mention here that the Writ petitioner Mrs. Ajanta Gupta wife of the applicant is not entitled to file any application for her relief before this Hon'ble C.A.T. because of her being the state Govt. employee. Because of above stated mis-representation of facts by the Respondent No.4 Shri Huveyda Abbas mislead the Hon'ble High Court and on the basis of the filed mis-representation of the facts the Hon'ble High Court vacated the interim order dated 25.5.2001. Thus the writ petitioner Mrs. Ajanta Gupta was deprived of the benefit of interim relief of the Hon'ble High court in application dated 15.3.2001 filed by her husband to Respondent No.3

Copies of the Hon'ble High Court order dated 25.5.2001 and 10.08.2001 are annexed herewith and the same are marked as annexure-S & T

13. That the applicant begs to state that respondent No.3 directed the applicant on ~~xx~~ 20.04.2001 to approach Respondent No.7 the Joint Director CGHS, Guwahati to get the patient examine at her residence and to obtain ~~certifikatex~~ a essentiality certificate to the effect that the patient is required to travel by air. As per the direction the applicant approached the Joint director CGHS Respondent No.7 over phone and by FAX dated 27.04.2001 requesting him to examine the patient at her residence. The Joint director CGHS in response to the FAX informed that he is unable to attend the patient at her residence because of the fact that she is under the treatment of the Indraprastha Apollo Hospital New-Delhi.

Copy of the letter dated 20.4.2001 of Respondent No.3 and FAX dated 27.04.2001 are annexed herewith and the same are marked as annexure- U & V

14. That the applicant begs to state that having no other alternative ~~xx~~ an application dated 03.09.2001 submitted to the Respondent No.3 alongwith the the medical certificate/advise of Dr. Dilip Kr. Ghosal DHMS dated 30.8.01 and Dr. J.K. Baruah RMP(Registered medical practitioner) dated 28.8.2001 who had recommended that the patient should travel by Air alongwith doctor attendant and in need to avail stretcher to New-Delhi. On the said application the respondent No.4 has taken the stand that Medical certificate from private doctor/ practitioners are not acceptable to them. In this connection

In this connection the copy of the letter dated 19.09.2001 of the applicant may kindly be persued. However the respondent No.4 rejected the application dated 3.09.2001 vide his letter dated 10.09.2001. According to Homopathy Central council Act, 1973, G.O.I.O.M. Dated 10.04.2001, ~~7.3.2001~~, 26.6.2001 and O.M. dated 15.6.2001 and corrigendum dated 17.8.2001 the medical advises of Homoeo practitioner and medical practitioners are legally valied and as such the same are acceptable to the Respondent No.3, and according to ~~xx~~ above orders of the Govt. of India as well as swamys compilation on CS(MA) Rule the respondents ~~xxx~~ are bound to accept the medical advises and to sanction the Air fafe as well as medical advance to enable the patient to report Hospital positively in recommended time for review of treatment of her ailment of Osteoporosis.

10-09-01

Copies of application dated 19.9.2001, ~~3.9.2001~~, with medical advise dated 30.8.2001, 28.8.2001 and 13.11.2000 are annexed herewith and the same are marked as Annexure-W & X, ~~xx~~ <sup>and X5</sup> R, X<sup>1</sup>, X<sup>2</sup>, X<sup>3</sup>, X<sup>4</sup>

15. That the applicant begs to state the Respondent No.4 vide his letter ~~xxx~~ No. Admn-II/BG-MDL/TA/Vol-II/2001-2002/243 dated 31.7.2001 recovered an amount of Rs.2500/- p.m. w.e.f. July, 2001 to October, 2001 and stop recovery from November 2001 totaling of Rs.10,000/- is illegal due to the fact that the OA No.149/2000 and OA No.369/2000 are still pending before the honerable Tribunal as such the recovered amount of ~~xxx~~ Rs.10,000/- to be refunded forthwith to the applicant.

Copy of the letter dated 31.7.2001 ~~xxx~~ is annexed herewith and the same is marked as Annexure- Y

16. That the applicant begs to state that ~~xxx~~ an application for Earned leave for 15 days w.e.f. 24.4.01 to 08.05.2001 for followup treatment ~~was~~ of the applicant wife at Indraprastha Apollo Hospital Delhi was submitted to Respondent No.4 on 19.4.2001 alongwith medical advise was not sanctioned vide his letter No. Admn 1/Election/Misc/2001-2002/281 dated 24.4.2001 subsequently moved to Deputy Commissioner Kamrup vide letter dated 25.4.2001 by the Respondent No.4 for exemption from election duty, but till date the above mentioned Earned leave was not sanctioned.

Copies of Respondent No.4 letter dated 24.4.2001 and 25.4.2001 are annexed herewith and the same is marked as Annexure -Y 1 and Y 2

17. That the applicant begs to state an amount of Rs. 81,147/- (Rupees eighty thousand one hundred forty seven) only being the outstanding claim related to medical claims and air journey bills kept pending with the Respondent No.3. The details of the claims are available with the Respondent. The above related treatment were made as per medical advise on emergency for the family members. As per swamys compilation of CS(MA) Rule and existing G.O.I orders ~~stated~~ the respondent should admitted the claims and to pay the same.

A list of the claim and medical advises are annexed herewith and the same is marked as annexure-z.

18. That the applicant begs to state that it is the duty of the Respondents No.3,4,5 & 6 to take up the matter for approval/sanction of Respondent No.1 & 2. In other cases Respondent No.3 has taken action for approval and sanction for treatment cost, Air fare etc vide his letter D.O.No. Adm-2 CGHS/Med-Treatment/ST/2000-2001/242-A dated 14.8.2000. ~~The applicants applications as per Govt. instruction was rejected.~~

**IV. Ground For Relief with legal provision**

- i) For that the impugned order dated 31.7.2001 (Annexure-Y) relating to recovery of Rs.2500/-p.m. from the salary of the applicant from 7/2001 to 10/2001 is illegal and bad in law due to the fact that the OA No.149/2000 and OA No.369/2000 are still pending before the Hon'ble C.A.T. as such the aforesaid impugned order dated 31.7.2001 is liable to be squashed and set a side and to release the the amount of pay Rs.10,000/- forthwith.
- ii) For that the impugned order dated 10.09.2001 (Annexure-X) is a clear violation of Art. 14, 16 & 21 of the Constitution of India depriving the applicant of his legitimate rights for medical treatment and right to life of the patient. As such the impugned order 10.09.2001 is liable to be quashed and set a side.

**V. Details of the remedies exhausted**

The applicant further declare that he has no other alternative or efficacious remedy except by way of filing application before this Hon'ble Tribunal. Pending decision of the Hon'ble C.A.T. the Respondent No.3 refuse to sanction medical claims and medical advance, Air fare advance to and fro Guwahati to New-Delhi and back for review of the applicant wife as per application dated 3.9.2001(Annexure-X 1) otherwise endanger the life of the patient who needs immediate review of treatment.

VI.

RELIEF(S) SOUGHT FOR

- i) To direct the Respondent No.3 to sanction required amount of Air fare amounting to Rs.80,000/- and to and fro journey to Delhi and back and an amount of Rs.60,000/- as medical advance and Respondent No.1 to approve the Air journey as per medical advice.
- ii) To direct the Respondent No.3 to immediately refund the amount of Rs.10,000/- deducted from the salary for the month of July to October, 2001 @ Rs.2500/- p.m.
- iii) To direct the Respondent No.3 to settle the all outstanding claim amounting to Rs.81,147/- The claim related to medical treatment cost and air fare already submitted to Respondent No.3
- iv) Any other relief/reliefs this Hon'ble Tribunal considered fit and proper.

VII.

Interim Relief if any sought for.

- i) Pending desposal of this application the Hon'ble C.A.T. would be pleased to direct the respondent No.3 to sanction medical advance of Rs.60,000/- and air fare advance of Rs.80,000/- as per annexure dated 3.9.2001
- ii) To direct the respondent No.3 to release the recovered amount of Rs.10,000/- (annexure-Y) at a time.

VIII.

The application is filed by the applicant.

IX.

Particulars of the I.P.O.

- i) I.P.O. No. : 5 G 423243
- ii) Date of issue : 2.8.2001
- iii) Issued from : Head post office Guwahati -I
- iv) Payable at : Guwahati

X)

List of enclosures:

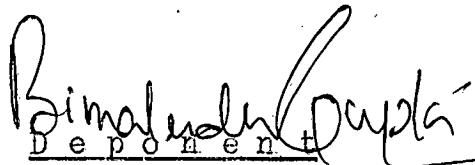
As stated in the index.

Verification .....

Verification

I, Shri Bimalendu Gupta, son of late Biswanath Gupta, aged about 45 years, presently working as senior Accountant in the office of the Accountant General (A&E) Assam, Moidamgaon, Beltola, Guwahati-29 do hereby verify that the contents made in paragraph 2, 3, 4, 10, 11, 17, 18, are true to my knowledge and those made in paragraphs 5, 6, 7, 8, 9, 12, 13, 14, 15, 16 are derived from records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts in this case.

AND I sign this verification on this 21<sup>st</sup> day of December, 2001 at Guwahati.

  
Bimalendu Gupta  
Deponent  
21/12/01

10  
 The Deputy Accountant General (W &E)  
 O/o the Accountant General (A&E), Assam,  
 Guwahati-781 005.

• Subject : RE-IMBURSEMENT OF MEDICAL CLAIM

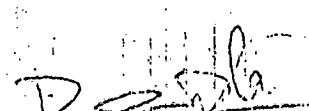
J O U R N E T D E C L A R A T I O N

Sir,

With due respect and honour we the undersigned  
 hereby declare that ..

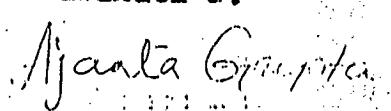
1. I, Shri Bimalendu Gupta, Accountant office of the Accountant General (A&E), Assam, Christianbasti Guwahati will avail myself of the Medical re-imbursement facilities under C.C.S. (M.A.) Rules for myself including my wife and other dependent family members under C.C.S. (M.A) Rules.
2. I, Smti Ajanta Gupta, L.D. Asstt., office of the Commissioner of Hills and Barak Valley, Division Basista Road, Beltoh, Dispur-6 will not avail myself of the Medical allowance facilities from 21st May, 1990 from the office of the Commissioner of Hills and Barak Valley Division Dispur-6, as I availing the Medical Re-imbursement facilities from the office of the Accountant General (A&E) Assam, Guwahati.

Dated, Guwahati  
the 10th July '90

  
 ( Bimalendu Gupta, Accountant)

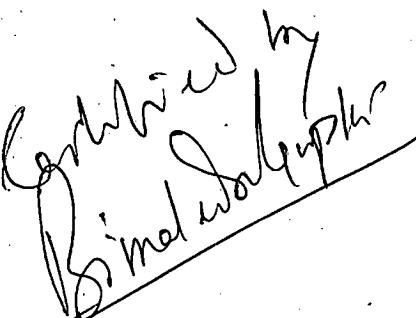
Husband

O/o the Accountant General  
 (A&E), Assam, Christianbasti  
 Guwahati-5.

  
 (Smti Ajanta Gupta, L.D. Asstt)

Wife

O/o the Commissioner of Hills  
 and Barak Valley Division  
 Basista Road, Dispur-6

  
 Certified by  
 Bimalendu Gupta

0000000

GOVT. OF ASSAM.  
ORDERS OF THE DIRECTOR OF HEALTH SERVICES: ASSAM: GIWAHAI 1:6

No. HSG/1061/411MS/6/91

Dated/19-2-92

Shri/ Smti .. Ajanta Gupta, I/B. St. B. Gupta....  
.. Scott.. Office of the Accountant General(A & E) Assam Guwahati- 5  
is allowed to undergo .. the necessary medical examination and  
treatment at the All India Institute of Medical Science, New Delhi  
..... due to his /her illness  
from Anorexia, Giddiness, Weakness low grade fever.....  
An escort to accompany him/her to and from ....  
.. New Delhi..... is allowed.

Sd/- DR. A.C. SARAS,  
Director of Health Services, Assam  
Dispur, Guwahati-6

Memo No. HSG/1062-64

Dated/ 19-2-92

Copy forwarded to :-

1. The Medical Superintendent, All India Institute of Medical Science  
New Delhi.....
2. The ... Accountant General, (A. & E). Assam Guwahati- 5,.....  
.....with reference to his letter .....
3. The Shri B. Gupta, Asstt. Office of the Accountant General(A. & E)  
Assam Guwahati- 5.....
4. -.....



By Director of Health Services, Assam,  
Assam: Hengrabari: Guwahati: 6

*Copy by:  
Bleeps*

K/Saharish  
27/1/92

(M)

GOVT. OF ASSAM.  
ORDERS OF THE DIRECTOR OF HEALTH SERVICES :: ASSAM :: GUWAHATI-6.

No. HSG/AIIMS/61/91/9695-

Dated Guwahati, the 4-9-92.

Mrs/Smti./Exx Ajanta Gupta, wife of Shri B. Gupta,  
Accountant, Office of the Accountant General (A&E), Assam, Guwahati-5

is allowed to undergo the necessary ~~and~~ medical examination and treatment at the All India Institute of Medical Sciences, New Delhi due to ~~her~~ her illness from Anorexia Giddiness, weakness low grade fever (Check-up).

An escort is allowed to accompany ~~him~~ her to and from New Delhi.

Sd/- Dr. A. C. Saha.

Director of Health Services, Assam,  
Mangobari, Guwahati-6.

Memo No. HSG/AIIMS/61/92/9696-98 / Dated Guwahati, the 4-9-92.

Copy forwarded to :-

1) The Medical Superintendent, All India Institute of Medical Sciences, New Delhi.

2) The Accountant General, (A & E), Assam, Guwahati-5.

3) Shri B. Gupta, Accountant General, Office of the A. G. (A & E), Assam, Guwahati-5.

4)

Dy. Director of Health Services,  
Assam, Mangobari, Guwahati-6.

*Guwahati  
B. Gupta*

EEEE

15

Annexure - 3

Dt. 24.09.99

FOX NO 0361 303142

TO

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

Sub: Request for remittance of Thirty Thousand  
for treatment of Mr. Ajanta Gupta Hospital token  
No 053650.

\*\*\*\*\*

SIR,

With reference to your letter No. Admin. 2/106-MBLADV/99-2000/362  
Dated 13.09.99 enclosing B/D No. 980201 dated 13.9.99 for Rs.32000/-  
received by this Hospital for the investigation /treatment of  
Mr. 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

VENUGOPAL  
GENERAL MANAGER - FINANCIAL

Phone No. 91 44 8234429  
Email id: v.gopal@vsnl.com

Carrying  
Signature

DR. R. VARADARAJAN, MD., DCH  
Consultant Haematologist

28-9-99

Re: by Dr Ashok Aneel MD

Ms. Aanya Gupta 34 yrs

Sug. diet:

① Tab. folivite 5mg ①

once daily after breakfast & monthly

② Tab. Neurobileg ① once daily after dinner & monthly

Apollo Hospitals

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

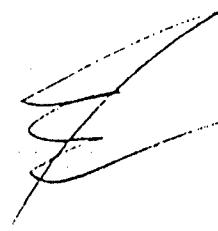
Regd. Office: 19, Bishop Garden, Chennai-600 028

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

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

Dr. Ashok Aneel MD

To come after 3 months  
for follow up



GUWAHATI MEDICAL COLLEGE HOSPITAL

OBG & GY DEPTT

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, epirdoxie, 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 aid 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. 7352/30 dtd. 16.8.99  
Hospital No. B.14107 dtd. 16.8.99

(Dr. R. MEDHII, MD)

Medical C/S

Central Government Employee.

ANNEXURE - G

(B) 2

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

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

D.G.H.S.

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.O (A & E), Guwahati for Apollo Hospital, Chennai.

As Dr. K. Modhi, 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 (vive 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. D. Saikia )  
Joint Director.

Copy to : 

1. The Accountant General, (A&E), Assam, Maidamgaon, Dibrugarh, Guwahati-29,
2. Shri Bimalendu Gupta, O/o the A.O(A&E), Assam, Guwahati-29.

Annexure H

19  
43

No. S-11011/10/94-CGHS Desk-II/CMO(D)/CGHS(P)  
Government of India  
Ministry of Health and Family Welfare  
(Department of Health)

Nirman Bhavan, New Delhi  
Dated the 10th June, 1997

OFFICE MEMORANDUM

Subject:- Recognition of private hospitals\diagnostic centres under CGHS, CHENNAI for specialised and general purpose treatment and diagnostic procedures, and fixation of ceiling rates -Regarding.

The undersigned is directed to say that the issue of recognition of private hospitals for treatment of CGHS beneficiaries under CGHS, CHENNAI and fixation of ceiling rates has been under consideration of the Government for quite some time. It has now been decided to recognise the under mentioned hospitals/diagnostic centres for different specialities (treatment/diagnostic procedures) mentioned against their names:

1. K.J. HOSPITAL Pvt. LTD, 927, Poonamallee High Road, Chennai-600084:-  
All purpose.
2. TAMIL NADU HOSPITALS LTD, Perumbakkam, Chennai-601302:-  
All purpose.
3. APOLLO HOSPITALS ENTERPRISE LTD, 21/22, Greems Lane, Chennai 600006:-  
All purpose.
4. RAM CHANDRA MEDICAL & RESEARCH CENTRE, Ramchandra Nagar, Chennai-600116:-  
All purpose.
5. WILLINGDON HOSPITAL, 21, Pycrofts Garden Road, Chennai-600006:-  
All purpose except Radiotherapy.
6. TRINITY ACUTE CARE HOSPITAL, 33, Desika Road, Chennai-600004:-  
Nephrology, Cardiology and related diagnostic procedure.  
CANCER INSTITUTE W.I.E., 18, Sardar Patel Road, Chennai-600020:-  
Cancer diagnosis and treatment.

Contd.../-

*Amrit Bhupinder*

Annexure.

20

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 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 Thousands) only. The cost will not be borne by the Government of Assam.

(Dr R Medhi, MD)

Asst. Professor  
Dept. of Obst. & Gyneology  
Guwahati Medical College

Carin Jy  
B. Medhi

ANNEXURE - 8/5

MOST IMMEDIATE  
COURT CASE

2126

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:- O.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. 12018/1/97-98/832  
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(JA) vide Dy.  
No. 94-Court Case dated 14.7.2000.

Yours faithfully,

L/N/14/2000  
25/7/2000

(DR(MRS) LUNCHGPIUR )  
ADDL. DEPUTY DIRECTOR GENERAL (HQ)

*Ends in 2000  
B. D. S. B.*

DR. R. SRI DHARAN

Annexeure - K 29

40

DR. R. SRIDHARAN, M.D., D.M. (Neuro), MHAIS  
Consultant Neurologist

553658

Ms. A. M. 40yrs. 341 F

31/5/2000

Somnolent, anxiety

UICL, 1500mg, Cenac, derat, flunarizine - 10mg

Adv. Endocrin. opinion

Ex 25mg daily 1 - - x 3 months

② Zolpidem 1mg x 1 month - - - 1x1 month

③ Trizik 1mg x 1 month - - - 1x1 month

0.25mg x 1 month x 1 month

Reflexes: normal

④ Asp. Fexofit. 1 daily 1 - - - x 3 months

⑤ Potent 5mg 1 daily 1 - - - x 3 months

⑥ Neur. 100mg 1 daily 1 - - - x 3 months

Neurologically fit for discharge

Apollo Hospitals

21, Greams Lane, Off. Greams Road, Chennai - 600 009

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

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

E-mail: ahol@vsnl.com



Carb  
R. S. D.

Mrs. Ajanta Gupta

47

Nimulide MD 1-1-3 days  
1-2-7 days

Cerezyme 60 1-0-1 3 days  
100mg

Mendal Fort 1-1-3 days

Step fermam 1-0-1 3 days  
100mg 3

Try Nettacelol (one 2m  
The 2nd set 4 weeks

colic wt reduction  
↑ water in stool

Neal  
silice

A lactic acidosis  
metabolic

To inform condition on  
11. July this post  
Review as family doctor  
decides

Neal  
silice  
11.00

*Carrie S  
Blair M*

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

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

Mrs. Aruntha Jayaram has extreme weakness in  
both limbs & pyramidal are both sides. She has  
a progressive disease. She is not to  
drive for her opinion. She is to travel by air  
& election medical studies may be available  
as she is to travel by air

Aruntha Jayaram  
7/6/00

Aruntha Jayaram  
Blaque

Greens Lane, Off, Tirusam Road,  
Postal - 600 006  
5293333, 8290200 Fax: 91-44-32244279  
7th Apollo Hosp Th: 41-6418 AHB1, IN  
1st Office: 19, Bldc, 1st Flr, Chennai - 600 028.

For Appointments Contact:  
8293333, 02113200. E-mail: 2429  
044-347655117 / 8553122  
For Emergencies Contact:

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

Arrebo 1/82  
Indraprastha Apollo Hospital  
Mathura Road, Santa Vihar  
New Delhi 110 044  
Phone: 6925858, 6925801, Ext 1060  
Fax 91-11 6823629  
Consultation daily 9:00AM to 1:00PM

Sunita Jyoti Gupta,

? ? Chronic fatigue syndrome

Apollo Clinic  
13 New Rajdhani Enclave, Vikas Marg  
Delhi 110 092  
Consultation: Thurs only 7:00 - 8:00 PM  
For appointment call 2222146, 2217825

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

8.6.00

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

M Varma

1 month

ESR E  
Unrelated - Tab Proactin (4mg)  
1/2 tab TDS  $\frac{1}{2}$

300mg/4hr  
Syp Haem Vp 1/4g TDS  $\frac{1}{2}$   
1 month

If no relief, add.

Tab Naproxen (250) ~~1-2 tabs~~  
1 tab  $\frac{1}{2}$  of a meal  
1 week  
M Varma  
1 week  
Avoid long journeys...  
increased big meals.

Carb Mid  
of Breyer

70 body aches - sum '93  
Fatigues - "  
Insomia & bad  
ESR ↑ for long convul. t.  
Other side - N.O.  
(rel)

↑ ESR  
Speech  
Gait Ns /  
No visual deficit  
Motor  
Sensory /  
Reflexes

Cort.  
ESR  $\rightarrow$  40 mm in 14 hr  
(8.6.9.3 up).

Consultant Neurologist  
Siddhanta 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

Annexure  
13815172261  
Indraprastha Apollo Hospital  
Majestic Road, Guria, New Delhi  
New Delhi 110 044  
Phone: 6223858, 6222001, Ext. 1050  
Fax: 91-11-6223820  
Consultation: 9:00 AM to 1:00 PM

Apollo Clinic  
13 New Rajender Enclave, Vasant  
Vihar, New Delhi 110 092  
Consultation: 1 hour (09:00 AM to 12:00 PM)  
For appointment call 2222140, 2222823

Residence  
1376, Sector 37, NOIDA 201 303  
Phone from Delhi: 011-4676140  
From outside: 011-4573460  
E-mail: [mvarma@vocloud.in](mailto:mvarma@vocloud.in)  
By appointment only

12-6-00

Mrs. Ajanta Gupta

A - ? Chr. - Cushing syndrome  
+ Osteopenia.

Pain in back  
of by walking

one bromotomy

MV

Phacochin (kg)

1/2. 20-25

Phacochin (kg) 1/2. 20-25

30-35

Wt.

100, 100, 100, 100

Phacochin (kg) 30-35

100, 100, 100, 100

100, 100, 100, 100

Enth. M. Dr. D. Gupta

0000000

lukul Varma  
M.D., D.M.  
for Consultant Neurophysician

27

INDRAKRISHNA - N2  
INDRAKRISHNA  
APOLLO  
HOSPITALS

Santa Vihar, Mathura Road  
New Delhi-110,044  
Tel.: 692 5858, 692 5801  
Fax: 011-6823629  
Consultation Daily  
9.00 am to 1.00 pm  
Fix appointment at Extn: 1060

7.11.00

Mrs Ajanta Gupta,

A- F/T of Osteoporosis

Referred to Dr. Ambish M. H. for management

MVdm

May need a Rheumatologists opinion as well.

Pain in back, knees,  
Pain in legs, persisting.

Dizziness occasionally  
& nausea.

Difficult in walking due  
to pain + gen.  
weakness.

Rest - twinge sensation  
over body. Rest  
subsided in one month  
- Breathless.

OE 14MF  
Speech N  
Glands N  
Neck rigidity - rt  
Motor - Rd N warty  
DTRs all +  
Plant B/L F

Q. Can get up from  
squatting position.  
however feels pain in  
legs on doing so.  
Sensory - N.  
& No cerebellar signs.

28

Amritwala - 01  
INDRAPIRASTHA  
APOLLO  
HOSPITALS

11 September 2000

TO WHOM IT MAY CONCERNRe : Mrs Ajanta Gupta, Hospital ID No. M0029221

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.

Raj Chaudhary

DR MUKUL VERMA  
Senior Consultant - Neurology

Chintan  
Bhupinder

## WORLD CLASS HEALTHCARE

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

Mobile No. : 011-6823629  
SIP, 12, 2000 1111PN P1

FROM : APOLLO HOSP DELHI

0000000

To

The Accountant General (AG) Assam,  
Moidangnon, Beltola,  
Guwahati-29

Subject: Application for payment of Air fare  
to attend hospital for review of  
treatment at Indraprastha Apollo  
and medical advices.

Sir,

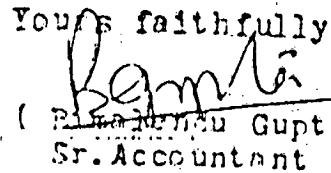
With reference to your No. Admn-II/Med. Adv/  
Vol-II/BG-MDL/TA/2000-01/551 dated 24.10.2000 regarding  
sanction of Medical Advance of Rs.48,000/- to the Medical  
Superintendent, Indraprastha Apollo Hospital, New-Delhi  
for treatment of Mrs. Ajanta Gupta on medical advice dated  
11.09.2000. She was provided treatment as per medical  
advice of Dr. Mukul Verma under Dr. R.C. Arora upto 13.11.2000  
But due to undue remarks at "NBB" "mis utilisation of fund"  
by Sr. Accounts officer i/c Fatt & Bills on 24.10.2000. The  
Apollo Hospital New-Delhi has not hand over any bill or  
refund thereof. After review of position of the patient  
health condition it was further advised to report after  
<sup>15 Feb, 2001</sup> 3 months with bed rest and avoid sun light.

I therefore request you to kindly do the  
needful so the patient can report to Apollo Hospital as  
per CGHS order dated 26.6.2000 with Air fare with escorts  
as per advice dated 11.9.2000 without any lapses. The  
present treatment and air fare was under CAT Guwahati  
bench dated 31.10.2000 under OA No. 369/2000. It is also  
requested to release all the outstanding claim including  
T.A. amounting to Rs.81,147/- plus holtage D.A.

Enclo: M.C. dated  
13.11.2000

Dated, Guwahati  
the 24<sup>th</sup> Nov. 2000

Yours faithfully

  
( Birendra Gupta)  
Sr. Accountant

  
Ajanta Gupta



2/1  
5

To

The Accountant General(A&E) Assam  
Maidamgaon , Belotta , Guwahati-29

Subject : Air fare and medical advance for review / investigation as per medical advise of  
Indraprastha Apollo , New Delhi.

Sir ,

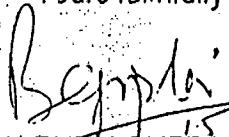
I beg to invite your kind attention to DAG(A) letter No. Admin.2 / BG-Mdl./TA/Part-II / 2000-01/1000 dated 08-03-2001 and Letter No. Admin-2/BG-Mdl./TA/Part-II/2000-01/887 dated 22-02-2001 on the subject the facts stated in the above letters is not correct and fabricated . I like to mention that in regard 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.

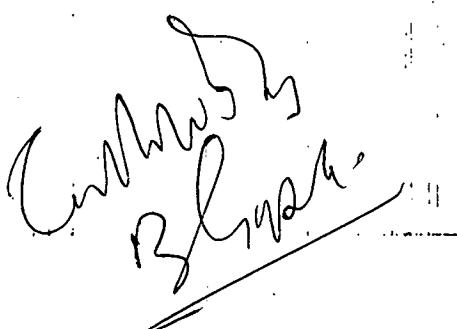
In view of the above , necessary sanction amounting to Rs.48,000/- for air fare and approximate amount of Rs.30,000/- may be required for review kindly be sanctioned and release by 20th March 2001 so that I can able to proceed soon .

Dated 15-03-2001

Encl. : Medical certificate dated 12-03-2001

Yours faithfully ,

  
(BIMALENDU GUPTA) /  
Sr. Accountant.



Dr. Dilip Ghoshal, D.H.M.S.

GUWAHATI, ASSAM  
Regd. No. : 390(A)

Date 12.03.2001

32  
50To 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 examined at her residence on call, considering the seriousness she is advised to attend Apollo Hospital, Delhi soon for review/investigation. She is also advised to avoid long distance travel by Road or train, travel by air both ways alongwith two escorts is needed.

Dilip Ghoshal  
12.03.2001  
Dr. Dilip Ghoshal  
Regd. No. - 338-A

Carry  
By  
B. Ghoshal

Ansers wrb 'R'

23rd

To  
The Dy. Accountant General, (Admin).  
Or, the Accountant General, (A&G), Assam.  
Maidanaguri, Bellsiga, Guwahati - 781001.

Subject : Payment of Medical Advance and Air travel advance to attend Indraprastha Apollo Hospital, New Delhi for review of treatment as per medical advice dated 13-11-2000.

Sir,

With reference to the subject as per your direction to provide CGHS doctor to my residence, the matter taken up with Dr. B. Saikia, Jr. Director, CGHS, Guwahati over fax as well as matter discussed with him over phone and refused to provide doctor to residence.

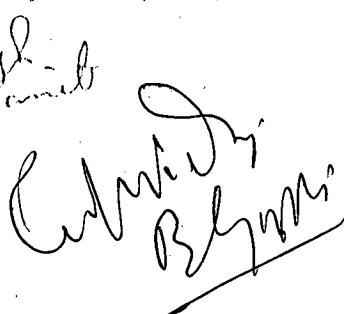
Despite reminders no medical advance as well as air fare advance was sanctioned as per medical advice dated 12-3-2001, whereas medical advance for treatment is being made in other cases.

In view of the facts, due to non-action in the part of CGHS as well as administration, I was compelled to call the other doctors to look after the patient. As per the advice of Dr. J. Z. Baruah and Dr. D. K. Ghosal, patient to attend Indraprastha Apollo Hospital, New Delhi immediately. The medical advices dated 28-8-2001 and 30-8-2001 respectively are enclosed for sanction of medical advance Rs.60,000/- and Air fare advance amounting to Rs.80,000/- kindly be sanctioned at the earliest to facilitate the patient to attend the Indraprastha Apollo Hospital, New Delhi.

Yours faithfully,

  
(Bimalendu Gupta) 3/9/01  
Sr. Accountant

Enclo : Medical certificates as stated above.  
Date : 3<sup>rd</sup> September, 2001



34

5

Dr Dilip Kumar Ghosal, DHMS  
Guwahati, Assam  
Regd No. 338 (A)

Phone :- 543200 (R)

Date :- 30.08.2001

TO WHOM IT MAY CONCERN

This is to state that Mrs Ajanta Gupta, age about 35 years, is suffering from Connective Tissue Disorder with Osteoporosis is under treatment of Indraprastha Apollo Hospital, New Delhi. She is advised to report to Apollo Hospital, Delhi, on 12.09.2001. Considering her deteriorating condition she is further advised to report Apollo Hospital, Delhi, for review and treatment as per their advise on 13.11.2000. She is advised to avoid long distance travel by road or train. She is fit to travel by Air both ways with escorts and if required to avail stretcher with Doctor. Further delay may involve risk to the patient.

*Dilip Ghosal*  
30.08.01

(Dr D K Ghosal)

Mr. Dilip Kumar  
Regd. No. 338-A

Revised  
3/9/2001  
Mr. Dilip Kumar  
Asst. Accounts Officer  
Office of the Accounts Officer (3. 00- 5. 00 PM)  
DSTT, Assam, Guwahati, Assam  
Guwahati, Assam, India  
Pincode-781029

*C. M. D. Ghosal*

K. BARUAH  
MEDICAL CONSULTANT  
Ad in Transfusion Medicine (Bombay)  
Ad in Chhoti Dargah  
56627542-06273 (a)  
b. 4870 (AMC)

Chhobi :  
LBB PHARMACY COMPLEX  
Ulubari Chhatial  
Guwahati-781 007

35

ne ..... Ajanta Gupta ..... Date : 28/12/2001  
nptoms : ..... Age : 35 (yrs) Sex : M/F

To Dr. D. K. Ray, Concern.

There is to copy to Dr. K. D. Ray, Ajanta Gupta  
Ad Dr. D. K. Ray, Gauhati, Assam  
suffering from Osteoporosis, who is  
fissured classically. Since long time, who is  
under treatment of Apollo Hospital, Delhi  
and advised to travel to Apollo Hospital  
Dhaka immediately. She advised not  
to undertake long distance travel either  
by train or by Road. Travel by air  
is not advised along with two escorts. She is  
fit to travel by air in order to prevent  
any further complication.

Afternoon  
27/12/2001  
Asst. Accounts Officer  
Accounts and Financial Officer  
Office of the Accountant General Assam  
Government of Assam, Gauhati-29  
Guwahati, Assam, India, Pincode-781007  
Signature :   
Envie Bhattacharjee  
Date : 28/12/2001  
Conc. Dr. D. K. Ray  
Dr. D. K. Ray  
Envie Bhattacharjee



Annexure - S

BSM/254 dt/1-6-2001

From: Mrs. Ajanta Gupta  
wife of Bimalendu Gupta  
o/o the A.G. (A&E) Assam  
Guwahati-29

Dated Guwahati the 1st June, 01

The Accountant General (A&E) Assam,  
Moi damgaon, Beltola,  
Guwahati-29.

Subject: W.P. (C) 3660/2001

Mrs. Ajanta Gupta

- versus -

Union of India & Ors.

Sir,

I have the honour to submit herewith a copy of the Hon'ble Gauhati High Court order dated 25.05/2001 in respect of above writ petition and to request you kindly to accord sanction of medical advance of Rs.30,000/- and air fare advance of Rs.48,000/- for both ways journey to attend Indraprastha Apollo Hospital, New-Delhi for review of treatment. The payment may kindly be made through my husband shri Bimalendu Gupta of your office.

Enclo: One copy of the  
Hon'ble Gauhati High  
Court order dated  
25.5.2001.

*Curly Blanks*

Yours faithfully

*Ajanta Gupta* 01/06/2001  
( Mrs. Ajanta Gupta)

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलोजो की आवश्यक संख्या घूसित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलोजो देने की तारीख Date of delivery of the requisite stamps and folios.	प्राप्ति, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदन को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
28/5/2007	30/5/2007	30/5/2007	30/5/2007	30/5/2007

(8)

X

IN THE GAUKHATI HIGH COURT  
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh )

CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

6/1/07

No. 2660 of 19/5/00

Mr. Ajanta Gupta

Appellant  
Petitioner

Versus

The Union of India  
Et al.

Respondent  
Opposite-Party

Appellant Mr. G. Samanta,  
For

Petitioner Mr. N. K. Das,  
Hectoralur

Respondent C. G. S. C.  
For

Opposite-Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, Reports, orders or proceedings With signature
----------------------------------	---------------	------	--

Ch. B. Bhattacharya

29  
b3

IN THE MATTER OF :

Mrs. Ajanta Gupta,  
wife of Sri Bimalendra Gupta  
an employee and resident of  
Partheekur Mill Road, Ulubari, Guwahati-7.

..... Petitioner.

At  
Petitioner or Petid. vi  
Assam High Court  
Guwahati

**-Versus-**

1. Union of India  
represented by the Comptroller and  
Auditor General of India,  
Bahadur Shah Zafar Marg,  
Indraprastha HPO, Post Bag No.7,  
New Delhi-110 002.
2. The Secretary to the Govt. of India,  
Ministry of Health & Family Welfare,  
New Delhi.
3. The Comptroller and Auditor General  
of India, Bahadur Shah Zafar Marg,  
Indraprastha HPO, Post Bag No.7,  
New Delhi-110 002.
4. The Accountant General (A&E),  
Assam, Moidamgaon, Beltola,  
Guwahati-781029.
5. The Joint Director,  
Central Govt. Health Scheme(CGHS),  
Andanda Kutir Path, Zoo Tiniali,  
Guwahati-781003.

... Respondents.

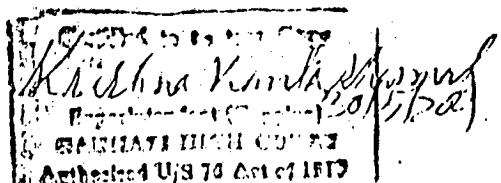
*Chandra  
Bhawna*

41

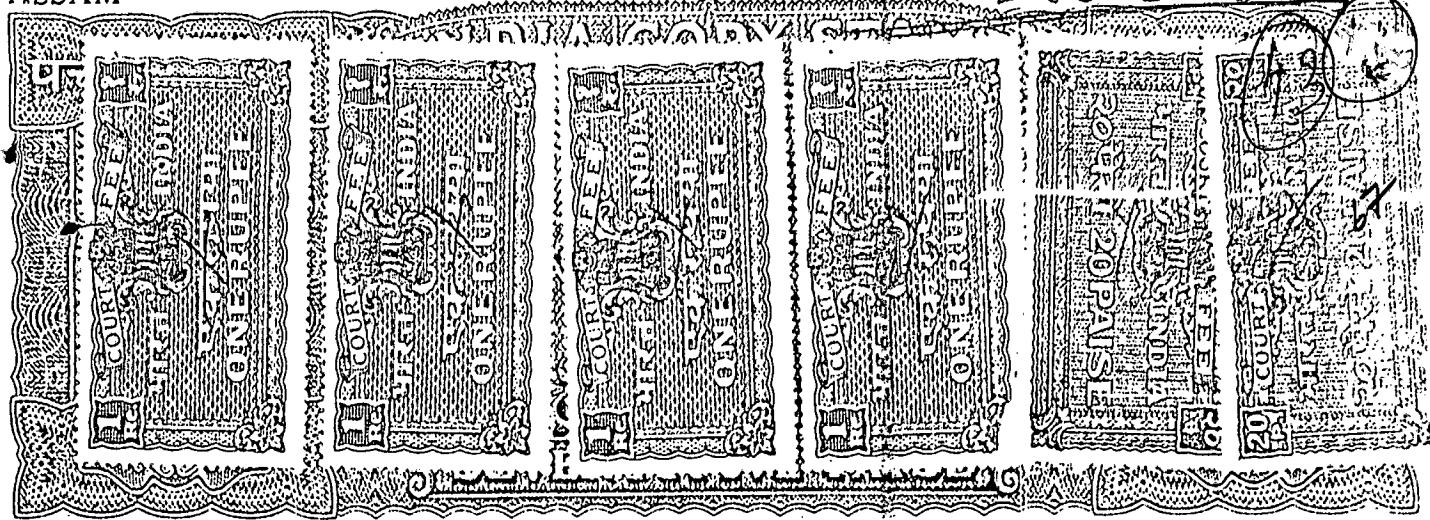
Noting by Officer or Advocate	Serial No.	Date	Office notes, Report, etc... With signature
			<p style="text-align: center;"><u>Before.</u></p> <p>The Hon'ble Mr. Justice N.S. Singh.</p> <p>25-5-2001 - Heard Mr. GC Sarma, learned counsel for the petitioner.</p> <p>Let the records be called for.</p> <p>Let a rule issue calling upon the respondents to show cause as to why appropriate writ as prayed for should not be issued; or why such further or other orders should not be passed as to this Court may seem fit and proper.</p> <p>The rule is made returnable within a month. The learned CGSC accepts notice on behalf of the respondents, and as such, no formal notice is called for. Extra copies of the writ petition shall be supplied to him by the learned counsel for the petitioner during the course of the day.</p> <p>According to Mr. Sarma, the petitioner has not been given/afforded medical advance as well as</p> <p style="text-align: right;">....</p> <p style="text-align: center;"><u>N.S. Singh</u></p> <p><u>C. S. Biju</u></p>

Noting by Officer or Advocate	Serial No.	Date	Office notes, Reports, orders or proceedings With signature
	25-5-2000 -Contd.		<p>travelling advance as sought for despite related sanctioned order for her treatment at Indraprastha Apollo Hospital New Delhi. The related <del>and</del> approval and sanction order finds place in the document marked Annexure-4 to the writ petition. I have perused it. In my considered view, the petitioner could make out a <u>prima facie</u> case for an appropriate interim order and direction, keeping in view of the fact that the petitioner has a legal right to have medical advance as well as air travel advance as sought for by her through her husband from the <del>proper</del> appropriate authority.</p> <p>(2) Every human being has a right to live and survive on this beautiful earth.</p> <p>In view of the above position, I direct the respondents particularly respondent No.1, the Accountant General (A&amp;E) Assam, Moidam-Gaon, Beltola to make payment of the medical advance as well as air travel advances to the petitioner as per Annexure-3 official letter dtd. 15.3.2001 issued by the Senior Accountant within a period of one week from the date of receipt of this order. The petitioner shall obtain a certified copy of this order and submit the same before the authority concerned for doing the needful in the matter as per order of this Court. This Court hopes and trusts that the Respondent No.4 shall certainly do the needful in the matter to secure the ends of justice.</p> <p>List this case after a month for</p> <p>2 30/5/01 aff 3/6/01</p>

200 N.S. 5/19/91  
Spalding



2011-01-01



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाप और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	भारीत, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
18.8.2001	21.8.2001	22.8.2001	22.8.2001	22.8.2001

## IN THE GAUHATTI HIGH COURT

(HIGH COURT OF ASSAM: NAGALAND : MEGHALAYA : MANIPUR : TRIPURA :  
MIZORAM AND ARUNACHAL PRADESH )

M.C. NO. 816/2001. IN W.P.C. NO. 3660/2001.

Mrs. A-janta Gupta, W/O Shri Bimalendu Gupta, an employee in the office of the commissioner Hills & Barak valley Assam Ghy.

Resident of Borthakur Mill Road, Ulubari, Ghy- 7  
...Petitioner.

-Vs-

Union of India and others ... Respondents.

-And-

1. Union of India, represented by the comptroller and Auditor General of India, Bahadur Shah Zafar Marg, Indraprastha IPO post Bag No. 7, New Delhi.-110002
2. The Secretary to the Govt. of India, Ministry of Health & Family Welfare, New Delhi.
3. The Accountant General (A&E) Assam, Moidamgaon, Beltola, Ghy- 19.
4. The Joint Director, Central Government, Health Scheme Ananda Kutir Path, Zoo Finiali, Ghy- 3.

... Applicants/Respondents.

-Vs-

Mrs. Ajanta Gupta, W/O Shri Bimalendu Gupta, an employee of the office of the commissioner Hills and Barak Valley Assam, Ghy.

Resident of Borthakur Mill Road, Ulubari, Ghy-7.

... Opp. Party/ Petitioner. Contd. 2/-

: NOTICE :

From : Moushumi Deka.  
Advocate

To. : C. G. S. C (C.A.T, Guwahati Bench)

Sub : O. A. No. 12000

Sri Barnalendu Gupta  
- vs -

Union of India & Ors.

Sir,

Enclosed, please find herewith a copy of the ~~at~~ ~~an~~ appeal of Sri Barnalendu Gupta to be filed in this Hon'ble Tribunal.

Please acknowledge receipt of the same.

Copy received.

25/4/2000

Yours faithfully

Moushumi D.

Advocate

on 24.4.2000



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या घोषित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

-2-

## ::PRESENT::

THE HON'BLE MR. JUSTICE JN SARMA,

For the petitioner :- Mr. G. Sarma, Mr. H.K. Das.

For the respondent:- Mr. D. Baruah, CGSC.

Date:-10.8.2001. O R D E R

The last part of the order dated 25.5.2001 passed by this court in WP(C) 3660/2001 reads as follows:-

"In view of the above position, I direct the respondents particularly respondent No. 4, the Accountant General (A& E) Assam Moidam Gaon, Beltola to make payment of the medical advance as well as air travel advances to the petitioner as per annexure- 3 official letter dtd. 15.3.2001 issued by the senior Accountant within a period of one week from the date of receipt of this order. The petitioner shall obtain a certified copy of this order and submit the same before the authority concerned for doing the needful in the matter as per order of this court. This court hope and trust that the respondent No.4 shall certainly do the needful in the matter to secure the ends of justice."

Contd... 3/-



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाप और फोटोओ की अपेक्षित संख्या राखित करने की निश्चयता तारीख Date fixed for notifying the requisite number of stamps and folio.	अपेक्षित स्टाप और फोटोओ देने की तारीख Date of delivery of the requisite stamps and folio.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

-3-

This order shall stand vacated in view of the fact that on the same matter, the writ petitioner has approached the central Administrative Tribunal and the central Administrative Tribunal has also issued some directions and that is reflected in the order dtd. 2.8.2001 passed by this court in MC 816/2001. Accordingly the order quoted above shall stand vacated.

Misc Case stands disposed of.

Sd/- JN SARMA,

JUDGE.

Registered No. of Petition.....	4340
Photocopy by/Type by.....	✓
Read by.....	✓
Compared by.....	✓

CERTIFIED COPIE COPY
.....Kishore Kumar
Date 22/8/2001
Superintendent (Copying section)
Gauhati High Court
Authorised 31/7/76, Cap 1, 1872

*Concurred in  
Biju*

*22/8/2001*

Annexure-U/46

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM

MAILING ADDRESS: BELTOLA :: GUWAHATI-29

NO Admin-II/17

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. Acc'tt., 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.

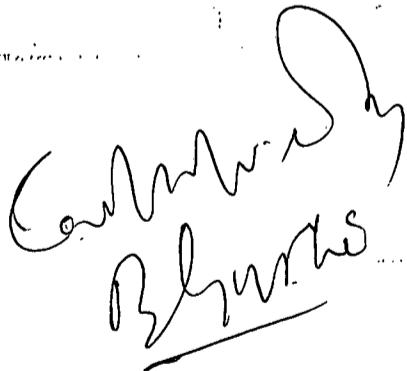
In this connection his attention may be drawn to the CAT Orders dated 29th March 2001 in disposing the OA No. 298/ 1999 and 177/ 1998.

SR. DEPUTY ACCOUNTANT GENERAL (A)

Memo No. Admin-II/BG-MDL/PI.II/ 2001-2002/18

dated 20-04-2001

Copy to Shri Bimalendu Gupta, Sr. Acc'tt.,  
Record (C) Section.



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-MDI/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 respons  
ibility 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.L.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.

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  
Ghy. AG(A&E) Assam ~~xxx~~ directed to collect Medical  
estimate cost of treatment and essentiality certificate for Air  
journey with escorts and deputation of CGHS doctor in 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 your 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)

\*\*\*\*\* COMMUNICATION REPORT \*\*\*\*\*

DATE TIME: 01.04.2001 12:00

TEL NO.: 0361309198

NAME : PEGUINPCONGHY

FUNCTION	START TIME	URATION	MODE	PAGE(S)	RESULTS
	01.04.2001 11:58	00:02	T1	02	OK

*Carried out by  
Bimalendu  
Guwahati*

To

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

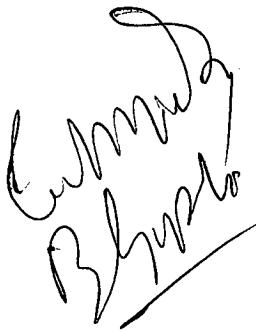
Subject : Payment of medical advance , air fare and copy of CS(MA) Rules  
1944.

Sir ,

I beg to state that my application dated 28-08-2001 , 03-09-2001, 06-09-2001 on the Subject is not clear to the Administration according to the letter issued by DAG(A) vide Admin.II/BG-Mdl./TA/Vol-II/2001-02/308 dated 10-09-2001 and A.O. I/c Record (C) No.AG(A&E)/Assam/Rec.(C)/6-6/2001-2002/272 dated 17-09-2001 runs as "For blaming the authority regarding non-sanction of medical treatment cost" is concocted and just for divert the attention/matter related to treatment of my wife.

In regard to comment made in para 4 of above letter as " Medical certificate furnished from private doctors are not accepted". I am to state that the huge disbursement of amount related re-imbursement of treatment cost , medical advance of the advise of private doctors and treatment under private hospital is made by this office. As per e.g. the name of officers / officials are given herewith for whom the payments made.

1. Shri Bijit Kumar Das Purkayastha , AO/Sr.AO who was given treatment by private nursing home and private doctors at Guwahati as well as payments were made . Whereas the GMCH have the same facility of treatment.
- 2) Shri Barun Chakraborty , Sr. AO received treatment for family members in private hospital and later at Apollo Hospital.
- 3 ) Shri M.K. Chaudhury , Sr.AO received treatment for his mother at Apollo Hospital Chennai.
- 4) Shri Rupak Lal Sengupta , Welfare Officer received treatment for dependent family members at Apollo Chennai.
- 5) Shri P.K.Sen , Sr.AO.
- 6) Late Ashis Baran Sarma , Sr.Acctt. who received treatment and died at local private nursing home Guwahati and the payment of the treatment made accordingly.
- 7) Master Ashis Thapa Son of Shri Swan Thapa , C/T who was admitted at Apollo Delhi and payment made Rs.2 lac and for further requirement for Rs.18 – 20 lac was made with Head Quarter .
- 8) Reference has been made in regard to Court case, patient named Shri P. Haloi was given air fare , treatment cost with escorts to Indraprastha Apollo Delhi. On verification it is learnt that Mr. Haloi is not an employee of IA & AD , Central Govt. organization nor an employee of the State of

  
B. Bhupinder Singh

Assam. Whereas, treatment slip attached by the department is not cleared the fact of treatment etc. 9) Smti Sabita Das, Sr. Acc'tt. wife of Shri Kalayan Das was treated at private hospital at Guwahati and later shifted to Apollo Delhi for treatment and cost was borne by the department and others

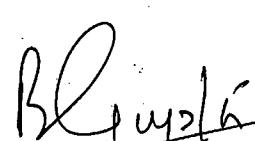
In view of the facts, the above officers are given advantage in regard to treatment under private doctors in private hospital / nursing home, whereas same procedure has been followed in regard to treatment / review of treatment <sup>of Mrs. Gupta</sup> as per advise of Apollo doctors as well as attending physician at Guwahati. An attested copy of Apollo advise dated 13-11-2000 is enclosed again for your ready reference, followed by medical advise of Dr. J. K. Baruah dated 28.8.2001 and Dr. D. K. Ghosal dated 30.8.2001.

In regard to medical claim submitted by Indraprastha Medical Corporation Ltd. On 19-06-2001 with original copies of bills is suppressed to me and charged. Mrs. Ajanta Gupta was treated since 08-08-91 till date in various hospitals in India but not getting improve due to delay of treatment by the authority for non-sanctioning of medical advance as well as air fare on medical advise to report hospital resulting damage of treatment, human life. In regard to Ministry of Health approval for air journey etc., the representations rejected on 22-02-2001 and 8-3-2001. The facts of delay, negligence whether in part of department or in part of Apollo Hospital doctors may kindly referred to Ministry of H & F W Delhi, C & AG of India to consider any enquiry under CBI, CVC and a team of medical expert for justice at the earliest.

Enclo: Med. Advice dtd 13-11-2000

Yours faithfully,

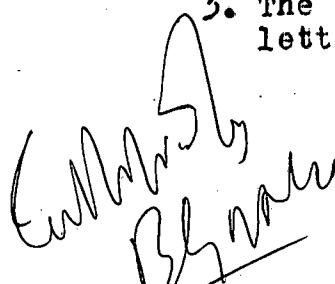
Dated 19<sup>th</sup> Sept. 2001

  
(BIMALENDU GUPTA)

St. Accountant.

Advance copy for early consideration for approval of Air journeys on medical advise as above and to examine the facts of delay of treatment :

1. Secretary to the Govt. of India, Ministry of H&FW, New-Delhi. In this regard my application dated 07.09.2001 kindly be refer to.
2. The Comptroller and Auditor General of India, New-Delhi. -2. Kindly refer my application dated 13.6.2000.
3. The Accounts officer i/c Record-C. This is with reference to your letter dated 17.09.2001.

  
(Bimalendu Gupta)

**OFFICE OF THE ACCOUNTANT GENERAL(A&E): ASSAM::**  
**MAIDAMGAON:BELTOLA:: GUWAHATI-781029**

No. Admn-II/BG-MDI/TA/Vol-II/2001-02/ 308

Dated 10-09-2001.

As regards his representation dt. 28-08-2001 and 03-09-2001 a copy of the relevant portion of the CS(MA) Rule,1944 and a copy of the GOI circular dt.26-03-1997 are enclosed herewith for his information.

Further, with reference to his representation dated 03-09-2001,Shri Bimalendu Gupta, Sr. Accountant is hereby asked to furnish the following information/Certificates for further necessary action in this regard :-

1. Original Advice slip of Indraprastha Apollo Hospital, New Delhi dt. 13-11-2000 (referred in the representation), without which it could not be ascertained whether any review treatment was advised or not.
2. Review treatment - If not obtained within the stipulated date and if it exceeds the reasonable period - necessary opinion in this regard is required to be obtained from the CGHS Doctors/ Govt. Specialist as per Govt. of India, Min. of H&W O.M. No. A.60011/1/98-(GHY)/ Dt. 26-06-2000.
3. Revalidation of permission for review treatment is required to be obtained from this office as the validity period of earlier Permission letter has already been expired. The same permission may be accorded on receipt of the opinion from C.G.H.S authority regarding review treatment.
4. Medical Certificate furnished from private doctors are not acceptable. Essentiality certificate for grant of Air fare etc should be obtained from the CGHS Doctors/ Govt. Specialist.
5. Application for T.A. advance is required to be made in the prescribed form alongwith the essentiality certificate for grant of air fare from the competent authority otherwise he may apply for entitled Railway Class. For both ways Air journey, separate certificates for outward journey and inward journey are required to be issued by the treating physician/ hospital of the respective places.
6. Estimate for grant of Medical Advance to be obtained from the competent authority.

Further representation without specific certificate from Competent Authority for grant of Air fare and Medical Advance will not be entertained. In this regard this office letter dt.20-04-2001 & 27-04-2001 may be referred to.

Further, his representation dt. 06-09-2001 regarding issuance of Deduction Certificate of CGHS contribution, Shri Bimalendu Gupta is hereby informed that the CGHS Identity Card issued to him as CGHS beneficiary is itself indicates that he is a beneficiary & deduction of subscription towards CGHS has been made compulsory from monthly salary bills of all the employees of this office w.e.f. May'98as per prescribed rate. Hence separate certificate is not required to be issued in this regard, however it is certified that the deduction @ Rs. 70/- has been made as can be testified from the salary statement of August'2001.

Enclo:- As stated above.

Shri Bimalendu Gupta, Sr. Acctt.  
Record & Section.

Deputy Accountant General(Admin.)

Shri Bimalendu Gupta (S.)  
Dy. Accountant General (Admn.)  
प्रशासकामार द्वारा दिलें (भाष्यका रूप)  
O/O the Accountant General (A&E)  
Assam, Guwahati

Dated the: 10.4.2001

OFFICE MEMORANDUM

Sub: Follow-up treatment of Central Government Health Scheme beneficiaries in recognized hospitals regarding.

The undersigned is directed to refer to Office Memorandum No. S 1017/1/95-CGHS(P) dated September 20, 1995 and to say that it has been decided to modify the order in view of difficulties being faced by Central Government Health Scheme beneficiaries.

It has now been decided that the C.G.H.S. beneficiaries will be eligible for follow-up treatment relating to Neuro Surgery, Cardiac Surgery (including Coronary Angioplasty & implants), Cancer Surgery/Chemotherapy/Radiotherapy, Kidney transplantation, Hip/Knee replacement Surgery and Accident cases in the same Institutions/Hospitals where the treatment was earlier carried out with prior permission of competent authority. The follow-up treatment will however, be subject to the following conditions:-

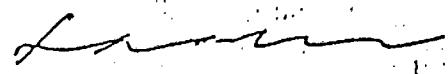
1. The reimbursement of expenditure for Consultation/Treatment including hospitalization, if required/Investigations will be limited to rates as fixed under Central Government Health Scheme.
2. The beneficiary should collect all the OPD medicines prescribed in connection with the treatment from the dispensary concerned in normal timing. In emergency these could be procured from market.
3. In case there is no approved C.G.H.S. rates for any procedure, or test, reimbursement will be made as per All India Institute of Medical Sciences rates, if any, or actual whichever is less or as per actual in case there is no AIIMS rates also.
4. Reimbursement in respect of Central Government Employees and other working employees and pensioners of autonomous bodies which were covered under CGHS will be made by respective departments from Service Head; from Rajya Sabha/Lok Sabha Secretariat as the case may be in case of Member of Parliament and Ex-Member of Parliament. In respect of Central Govt. pensioners, Freedom fighters etc. covered under Central Government Health Scheme, the reimbursement will be made by respective Additional/Joint/Deputy Director of CGHS of concerned City from CGHS Head.
5. Permission for follow-up treatment may be granted by the Head of the Department in case of Central Government Employees, working employees and pensioners of Autonomous Bodies admitted under the scheme and by Rajya Sabha Secretariat/Lok Sabha Secretariat as the case may be in case of Members of Parliament and Ex-MPs and by C.M.O. Incharge of concerned CGHS Dispensary in case of Pensioners, Freedom Fighters etc. for 3-6 months at a time, which may be extended if required on the basis of medical record.

Contd/...

F No S 11  
G.O.  
Date: 11  
Year:  
Signature

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6. In case of other conditions (other than those mentioned earlier) where prior permission for treatment in a private hospital recognized under CGHS is granted, regular follow-up treatment to be obtained from CGHS Dispensary/CGHS/Govt. specialist only. However the medicines prescribed on discharge summary may be issued by concerned CGHS dispensary for a maximum period of one month.
7. Permission for follow-up treatment in case of accidents, where patients were admitted under emergency without prior permission in recognized hospitals under CGHS may be considered by Head of CGHS Organization of city concerned subject to 'Ex-post facto sanction' for initial treatment based on discharge summary and possession of a valid CGHS card. In such cases Medical reimbursement claim may be accompanied by a copy of the Permission letter.
8. In exceptional cases where permission for treatment of the above mentioned conditions in a private un-recognized hospital was granted by Ministry of Health and Family Welfare, permission for follow-up treatment may be considered by Head of CGHS organization of concerned city on a case to case basis and HOD in respective cities.
9. This issue is with the concurrence of Finance Division vide Dy. No.2266/JS(PA) dated 4.4.2001.



(B.B. BHATTACHARJEE)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

1. All Ministries/Departments of Government of India.
2. Director General of Health Services.
3. Director, CGHS.
4. All Additional/Joint/Deputy Directors of CGHS (as per address list).
5. Registrar, Supreme Court, New Delhi.
6. Shri U. M. Purohit, Secretary, Staff Side, 13-C, Ferozshah Road, New Delhi-1.
7. All Officers/Sections/Desks in the Ministry of Health & Family Welfare, C&ACI of India, 10, Bahadur Shah Zafar Marg, New Delhi-2
8. Copy for folder.

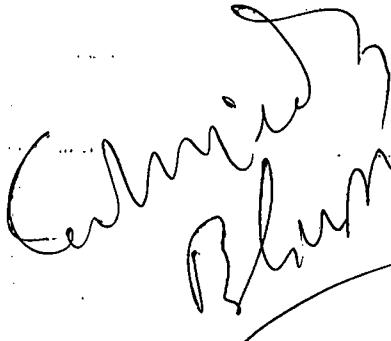
Copy for information to:-

- (1) Secretary (H)
- (2) Addl. Secretary (P)
- (3) Chief Controller of Accounts



(B.B. BHATTACHARJEE)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.



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No. S-12020/4/97-COHS(P)  
Government of India  
Ministry of Health & Family Welfare  
(Department of Health)

Nirman Bhavan, New Del  
dated the 7th March, 2000.

OFFICE MEMORANDUM

Object: Delegation of powers under COHS relating to referral system, permission cases and ex-post-facto approval.

The undersigned is directed to refer to this Ministry's Office Memorandum of even No. dated the 7th April, 1999 on the above object and to say that to obviate the hardship of being faced by serving Government servants in respect of Central Government servants who are beneficiaries of COHS in the following cases:

1. A serving Central Government servant covered under COHS, who is taking treatment in some COHS Dispensary/Govt. Hospital and desire to obtain treatment in a private hospital recognised under COHS, the heads of the departments may grant him permission for treatment on the basis of the medical prescription issued to the COHS beneficiary.

2. The heads of departments (HODs) may decide the cases of reimbursement of medical claims in respect of treatment obtained in any private hospital/private nursing home/private clinic, subject to the following conditions: (i) for the purpose of COHS beneficiaries without financial limit on the total amount to be reimbursed.

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

The above orders are issued with the concurrence of JS(FH) dated 16.2.2000.

SD/-

( BIRJAH SIV )

DEPUTY SECRETARY TO THE GOVT. OF INDIA

Annexure-X<sup>31</sup>

Govt. of India,  
Ministry of Health & F.W.,  
D.O., Government of India Building,  
Central Govt. Health Scheme,  
Pinakti Path (7th Bypass Lane),  
Zoo-Nearby, 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 in hospital and for permission for treatment outside Guwahati, the advice of the specialist to whom CGHS has 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 H.O. for referring a patient outside the state, referral by a govt. specialist or specialist of a recognised hospital is must.
3. The H.O. can revalidate the permission granted earlier by 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 Doctor/govt. specialist for necessary opinion.
5. Number of attendant should not be more than what is recommended by the treating physician.

*Carin B. Salaria*

*Carin B. Salaria*  
( DR. B. SALARIA )  
JOINT DIRECTOR.

ISIK June-2001  
New Delhi, Dt. 18th June, 2001.

EXPLANATION

Recommendation of 14th Central Pay Commission relating to grant of Commuted Leave/Leave on Medical Certificate of Gazetted and NonGazetted Government Servants.

The under signed is directed to refer to this department's OM of even number dt.24.8.2000 on the subject mentioned above and to say that the request of the staff side about the difficulties being faced by the non gazetted govt. servants to produce Medical certificate from CGHS/AMA has been under consideration since issuance of aforesaid OM. On having reconsidered the matter, it has been decided in partial modification of the said OM that in cases like accident, heart attack, miscarriage etc, requiring emergency medical attendance, where a non gazetted govt. servant finds it difficult to obtain Medical certificate/Fitness certificate from CGHS/AMA, the leave sanctioning authority may consider grant of leave on the basis of the Medical/Fitness certificate from an RMP after taking into account the circumstances of the specific case.

2. These orders take effect from the date of issue of this OM. Formal amendments to the CCS(Leave)rules, 1972 will follow.

In so far as personnel serving in the Indian Audit & Accounts Deptt, are concerned, these orders issue in consultation with C&AG of India.

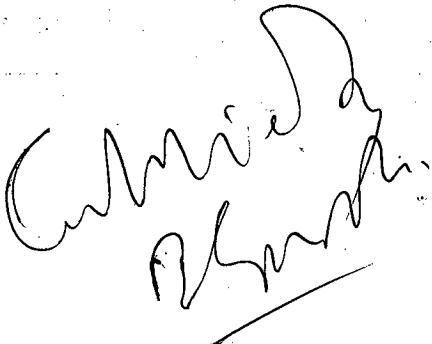
3. Hindi version is enclosed.

54.—  
(HARINDER SINGH)

Joint Secretary to the  
Govt, of India.

TO

All ministries/Deptts. of  
Govt. of India.



OFFICE OF THE ACCOUNTANT GENERAL(AUDIT), ASSAM, BELTOLA,  
GUWAHATI -29.

No. Estt-I/Au/8-7/2001-02/1278-85

Dt: -10.8.2001

Sub: 1. Commendation of Fifth Central Pay Commission  
relating to grant of commuted leave/leave on Medical  
certificate to Cazetted and Non-Cazetted Government  
Servants.

A copy of Govt. of India, Ministry of Personal, P.G&  
Pensions (Department of Personnel & Training) office Memorandum  
No. 13015/3/2001-Estt(L) dated 15.6.2001, on the subject  
mentioned above is forwarded for information and necessary  
action to:-

1) The Principal Director of Audit N.F.Rly.  
Maligaon, Ghy-11

2. The Secy. to the A.G.(Au), Assam, Ghy.

3. The Sr.DAG(Admn&IC)

4. DAG(C&R)

5. DAG(W)

6. to all section

7. Office Order file

8. Hindi Cell.

ANUJEE (Admn)

Ansver. X5

No. 13015/3/2000-Estt.(1)

Govt. of India.  
Ministry of Personnel, P.G.&Pensions  
(Department of Personnel & Training).

North Block  
New Delhi, 17th August, 2001

CORRIGENDUM

Sub: -- Recommendation of Fifth Central Pay Commission relating to grant of Commuted leave/leave on Medical certificate to Gazetted/Non-Gazetted Govt. Servants.

The undersigned is directed to refer to this Department's OM No. 13015/3/2001-Estt.(L) dt. 15th June, 2001 on the subject mentioned above and to say that following corrections may be carried out in this OM.

1. The number of OM may be corrected as 13015/3/2000-Estt-(L)
2. The words, like accident, heart attack, miscarriage etc. requiring emergent medical attendance, appearing in 7th & 8th line of the OM may be treated as deleted.
3. Hindi version is enclosed.

(D.R.CHATTOPADHYAY)

Under Secretary to the Govt. of India.

To

All Ministries/Departments of the Govt. of India.



OFFICE OF THE ACCOUNTANT GENERAL (AUDIT) ASSAM, BELTOLA,  
GUWAHATI-29.

No. Estt-I/Au-/8-7/2001-02/2609-2614 Dt:- 26.11.2001

Sub:- Recommendation of Fifth Central Pay Commission relating to grant of Commuted leave/leave on Medical certificate to Gazetted and Non-Gazetted Government Servants.

A copy of Govt. of India, Ministry of Personal, PG & Pensions (Department of Personnel & Training) office Memorandum No.13015/3/2000-Estt(2) dated 17.8.2001 on the subject mentioned above is forwarded for information and necessary action to:-

The undersigned is directed to refer to the above mentioned office Memorandum No.13015/3/2000-Estt(2) dated 17.8.2001 on the subject mentioned above for information and necessary action to:-

1. The Principal Director of Audit, N.F.Railway, Maligaon, Ghy-11
2. The Secy. to the A.G.(Au), Assam, Ghy.
3. The Sr.DAG(Admn & IC)
4. DAG(C&R)
5. DAG(W)
6. To all section.
7. Officer order file.

Hindi Cell.

*S.N.Patwari*  
Audit Officer (Admn).

57  
Annexure -

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

No. Admin-II/BG-MD/TA VOL-II/2001-2002/243

Dated: 31.07.2001

With reference to his representation dated 10.07.2001 made in response to this office Memo dated 29.06.2001, Sri Bimalendu Gupta, Sr. Accountant is hereby informed that the contention of his above said representation is not clear and sufficient to stop recovery of the un-spent amount of Medical Advance for Rs. 19,742/- (Rupees Nineteen thousand Seven hundred forty two only).

Moreover, from his above representation, it is presumed that Sri Gupta has not yet refunded the said un-spent balance of Medical Advance in one lump till 30.07.2001 and as such the earlier Order dated 29.06.2001 regarding recovery of aforesaid Medical Advance stands. It has now been decided to recover the said amount in 8 installments @ Rs.2,500/- P.M. along with the panel interest accrued thereon, starting from salary for the month of July 2001.

This is for his information.

  
Deputy Accountant General ( Admin )

অসম মহালেখাকার (পৰি)

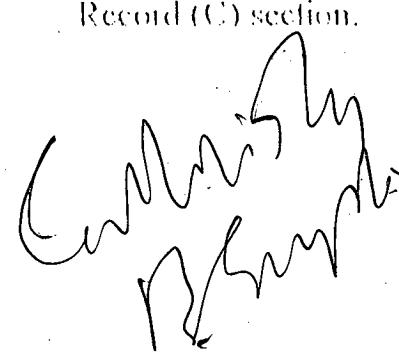
Dy. Accountant General ( Admin )

মহালেখাকার অসম দার্যবন্ধ ( কে. এন. হু. )

O/O the Accountant General ( A&B )

অসম, গুৱাহাটী

Assam, Guwahati

  
Sri Bimalendu Gupta, Sr. Accountant  
Record (C) section.

(58)

Annexure - 193 (1)

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

NO. ADMN 1/ELECTION/MISC/2001-2002/281

24 April 2001

To

The Deputy Commissioner &  
District Election Officer, Kamrup  
GUWAHATI 781 001

Sub: Sanction of leave - regarding

Sir,

I am to state that the under-mentioned officials of this office have applied for various kinds of leave on various grounds. As this office is not in a position to sanction the same in terms of instructions issued from your end, you are requested to kindly intimate the undesignated whether leave can be sanctioned to them.

Sl. No	Name & Designation of the govt. servant	Period of leave applied for	Ground on which leave applied for	Remarks
01	Shri Bimalendu Gupta, SA	15 days E.L. from 24.4.01 to 08.05.01	Follow-up treatment of his wife at New Delhi.	Shri Gupta has been served with appointment letter for election duty. But he refused to accept the same. This has been intimated to you vide this office letter No. Admin 1/Ele/2001-02/278 dated 20.4.2001
02	Shri Narayan Ch. Singha, SA	19 days E.L. from 30.4.01 to 20.5.01	Treatment of wife at Calcutta	Medical certificate from the treating physician from Calcutta submitted.
03	Shri Dipak Kr. Dhar, SA	5 days E.L. from 23.4.01 to 27.4.01	To appear a court case at Hailakandi	
04	Shri Gautam Kr. Dey, SA	Commuted leave for 10 days from 20.4.01 to 29.4.01	Self treatment (Official has submitted the M.C issued by the authorities of C.G.H.S, Ghy.)	Official has been drafted for Election duty. He has already received the appointment letter issued from your end

I would, therefore, request you to kindly let this office know whether leave can be sanctioned to the above named officials.

An early reply is requested.

Yours faithfully,

Sd/-  
Sr. Deputy Accountant General (Admn)

Copy to :

- Shri Bimalendu Gupta, S/A
- Shri Gautam Kr. Dey, S/A
- Shri Narayan Ch. Singha, SA
- Shri Dipak Kr. Dhar, SA
- Commissioner.

They are also requested to take-up the matter with the a/o the Deputy & District Election Officer, Kamrup



Sr. Accounts Officer (Admn)

Annexure Y

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

NO. ADMIN 1/ELECTION/MISC/2001-2002/

Wednesday, 25 April 2001

With reference to his representation dated 24.04.2001 regarding exemption from election duty, Shri Bimalendu Gupta, Sr. Accountant attached to Record (Central) Section is hereby informed that his representation dated 16.04.2001 has already been forwarded to the Deputy Commissioner & District Election Officer, Kamrup vide this office letter No. Admin 1/Election/2001-2002/251 dated 18<sup>th</sup> April 2001.

This disposes his above mentioned representation.

*Rengali*  
25.4.01  
Sr. Deputy Accountant General (Admin)

Shri Bimalendu Gupta, Sr. Accountant  
Record (Central) Section.

*C. M. Sh  
Bimalendu*

Detail list of Outstanding Medical claims  
due for payment to Respondent No  
i.e. A.G. (A&E) Assam, Guwahati.

1. Medical claim i/r of Mrs. Ajanta Gupta for Myogram/CT scan etc at Guwahati Neurological centre as per advice of attending Dr. Asso. professor of Neuro Guwahati Medical collage OPD on 3.8.93 part payment heldup	<u>Total amount claim</u>
	Rs. 2,675.00
2.. Applicant Mother was admitted and was under gone surgery on emergency at Silchar. An. amount of Rs. 10,400/- Sanctioned Medical Advance to Green view Nurshin home at Silchar total claim of treatment was Rs. 19,902/- submitted by Nurshing Home through applicant to A.G. (A&E) Assam, part payment of Rs. 4,500/- not yet paid to applicant which was paid to Nursing home.	Rs. 4,500.00
3. Medical claim related to Homoeopathy treatment by Dr. D. Das of Homopathy Collage, Guwahati	Rs. 3,800.00
4. Medical Claim in respect of Mrs A. Gupta at Guwahati Medical collage period from 8/00 to 10.1.2000	Rs. 2,100.00
5. Medical claim in respect of treatment under apollo hospital for which Medical advance sent to the name of Apollo Hospital chennai by A.G. (A&E) Assam. payment made to apollo by Applicant due for payment.	Rs. 1,016.00
6. Air fare for journey to and fro Chennai on medical advice with approval of CGHS , 10.99 (Oct. 99)	Rs. 7,850.00
7. Air fare for minor cheld received by A.G. (A&E) Assam, on 8.8.2000	Rs. 15,956.00
8. Air fare (T.A. for medical treatment at apollo Chienmai and referred to INdraprastha Apollo New-Delhi by apollo Chennai claim submitted on 21.07.2000 (Total claim Rs. 81,386.00) less TA Adv + balance medical adv. Rs. 32,324 + 16806/ = 49,806.00 balance due Rs. 32,255.00 CAT order 10.5.2000 including DA. <sup>including DA</sup> Air fare for review of treatment on pay C.A.T. order dated <del>31</del> 31.10.2000 submitted to A.G. (A&E) Assam <del>on 24-10-2000</del> <del>24-10-2000</del> for Rs. 51,495.00 less Adv Air fare Rs. 40,000 balance due plus DA for hot stage.	Rs. 32,255.00
	Rs. 11,495.00
Total claim due	<u>Rs. 81,147.00</u>

Annexure - 2

# GREEN VIEW NURSING HOME

NEAR SUDHAKAR AVENUE (KALIJI ROAD) SICHA 1076005, Ghorakhat, Assam

To whom it may concern.

This is to certify that Mrs. Shyamali Gupta, aged about 65 yrs &/o Late Bhowmik Gupta of C.R. Avenue, Silchar-5 was admitted at the Green View Nursing Home on 11.5.97 at 4 A.M. as an emergency patient.

She was suffering from Chronic Calculus Cholecystitis with Choledocholithiasis and has undergone Surgery on 13.5.97.

Mrs. Gupta was discharged on 26.5.97 and the total cost of Rs. 19,902.90 (Rupees nineteen thousand nine hundred two and paise ninety) only is essential and justifies for restoration of her health. This Nursing Home is recognized for such treatment.

*Signature*  
Signature of Medical Officer  
Medical Officer  
Green View Nursing Home  
Silchar-5.

6) time 10.00 a.m. 4/9/93  
GUWAHATI MEDICAL COLLEGE HOSPITAL  
OUT-PATIENTS DEPARTMENT

ADVICE SLIP

Service / Unit / Neuro OPD Date 31/8/93  
Name / Janta Gope / Hospital No 21513  
Age / 28 / Sex / F / Regd. No. / 2283 /  
Advice - Neurology OPD Tues / Thursdays  
Registration Between 9 AM to 11 AM

Adv: ① Cervical Spine A.P  
Left lateral  
Left oblique

② Tabs V8 Verem. SR

5-7 tabs daily after meals

X-ray plate not  
available in G.M.C.

Adv

Adv to attend Neurology  
OPD on Tuesday morning

Adv: CT myelogram

Cervical region to 2/0

(Intramedullary SOL) Adv  
31/8/93

CT scan facility is  
not available at G.M.C. Hence  
she is advised to do the same  
at G.N.R.C. Disp.

Adv  
2/9/93

ASSOCIATE PROFESSOR,  
DEPTT. OF NEUROLOGY,  
GUWAHATI MEDICAL COLLEGE