

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No. 570/04

Bilaspur, this the 16th day of March, 2005

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

V.K.Jain

Son of Late Shri R.P.Jain

R/o 261/1 Saket Nagar

Badi Ukhri

Jabalpur.

Applicant

(By advocate Shri S.Paul)

Versus

1. Union of India through
Its Secretary
Deptt. Of Posts and Telegraphs
New Delhi.

2. The Senior Post Master
Jabalpur Head Post Office
Jabalpur.

Respondents

(By advocate Shri S.A.Dharmadhikari)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought a direction to the respondents to pay Rs.46201/- which has not been paid towards the medical reimbursement to the applicant with 12% interest p.a.

2. The brief facts of the case are that the applicant was posted at Jabalpur as Deputy Post Master in the Department of Posts and Telegraphs. He was suffering from heart disease and since medical facilities were not available in the Govt. Hospital, the Directorate of Medical Education,



Madhya Pradesh vide letter dated 29/1.2002 (Annexure P1) granted permission/investigation outside the State of M.P. The applicant who was suffering from severe unstable angina was examined by Dr. Lekha Pathak at Dr. Balabhai Nanavati Hospital, Bombay and it was revealed that there was a 99.9% block in the proximal circumflex and therefore he was advised to undergo coronary angioplasty at the earliest. The doctor issued a certificate (Annexure P2) in which it was mentioned that the approximate cost would be Rs.2,00,000/-. The applicant applied to respondent No.2 for sanction of Rs.2,00,000/- for undergoing coronary angioplasty. Thereafter, on verification from the said hospital by respondent No.2, the doctor confirmed that the expense would be Rs.2,22,500 (Annexure P4). Respondent No.2 sanctioned Rs.1,50,000 by way of advance and a cheque was drawn in favour of Dr. Balabhai Nanavati Hospital, Mumbai and it was deposited in the hospital on 2.4.2002 (Annexure P5). The coronary angioplasty of the applicant was done on 2.4.2002 itself. After the operation, the hospital gave a bill of Rs.1,42,163/- i.e. Rs.7,837/- minus Rs.1,50,000 which was deposited at the time of admission (Annexure P6). The cheque of Rs.7,837/- was received from the hospital and the same was deposited by the applicant in the department on 26.6.02 (Annexure P7). The applicant retired from service on 30.6.2003 and on 10.7.2003 when he went to the office of respondent No.2, he was informed that an amount of Rs.46,201/- was outstanding against him and, therefore, the same would be deducted from his dues or the retiral dues would be released only after the aforesaid amount was deposited by the applicant. The applicant deposited Rs.46,201/- on 10.7.2003 (Annexure P8). The applicant made a number of representations against the excess recovery but no reply has been received. In the medical bill, Dr. Lekha Pathak charged Rs.46292.40 towards CORDIS BX VELOCITY 3.5 X 13 (1.0). The applicant was under the impression that the respondents deducted this amount as he was not entitled for the same. In the bill, coronary stent was not specifically mentioned but CORDIS BX VELOCITY 3.5 X 13 (1.0) was mentioned. According to CS (MA) Rules, the maximum ceiling for coronary stent is Rs.60,000 (per stent) subject to a maximum of two stents. It appeared that the respondents might have been

misguided. The applicant wrote a letter to the doctor to clarify the meaning of CORDIX BX VELOCITY and the doctor by letter dated 26.4.04 clarified that CORDIX BX VELOCITY is in fact a stent. Hence the amount of Rs.46,292.40 shown in the medical bill was towards coronary stent for which the applicant is entitled for reimbursement under the relevant rules. Hence this OA is filed.


3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the respondents had sanctioned Rs.1,50,00 by way of advance to the applicant for undergoing coronary angioplasty. The total expenses incurred on the angioplasty were Rs.1,42,163 and, therefore, the remaining amount of Rs.7837 was refunded by the hospital to the department. However, the respondents have illegally deducted Rs.46201 from the applicant. The learned counsel further argued that the respondents have not stated anywhere that Cordis Bx Velocity is not the stent and the certificate issued by the doctor is incorrect. Hence the applicant is entitled for the relief claimed.


4. In reply, the learned counsel for the respondents argued that as per Rule 16 of CS (MA) Rules, the applicant was entitled for maximum reimbursement of Rs.70,000 plus the cost of medicine in case of semi-private ward category. Hence the respondents had paid a sum of Rs.70,000 plus the cost of medicines to the applicant and the remaining amount was not paid because he was not entitled for that, according to the rules. The learned counsel for the respondents has drawn our attention towards Annexure R1 and further argued that in the medical bill produced by the applicant, there was no mention of coronary stent and separate certificate was also not produced in that regard. The Hon'ble Supreme Court has also held that in case of treatment in private hospital, there is a ceiling on expenses incurred on treatment including medicines. Hence the action of the respondents is perfectly legal and justified.

5. After hearing the learned counsel for the parties and carefully perusing the records, we find that so far as the contention of the respondents

mentioned in para 13 of the reply, the applicant has submitted a clarificatory letter issued by Dr.Lekha Pathak dated 26.4.2004 in which it is clearly mentioned that Bx Velocity is the name of the stent manufactured and marketed by Cordis and that the stent was deployed ^{on} him. Hence, the contention of the respondents in this regard is not sustainable. So far as the maximum limit of Rs.70,000 for angioplasty (authorized package deal) plus the cost of medicines amount to Rs.26,462 (total Rs.96462) and recovery of Rs.45,701 out of the total medical bill of Rs.1,42,163 is concerned, the applicant's counsel has argued that in sub rule 2 of Rule 16 of CS(MA) Rules, it is mentioned that "it has now been decided that CS(MA) beneficiaries undergoing PTCA (Angioplasty) in the recognized hospitals mentioned in Annexure ~~X~~-1 with prior permission of the Chief Medical Officer of the District, where the CS(MA) beneficiary is posted, will be entitled for maximum reimbursement at par with CGHS beneficiaries". The applicant was duly permitted by the respondents to take treatment at Dr.Balabhai Nanavati Hospital, Mumbai. We have perused Annexure P11 in which it is mentioned that ceiling limit for reimbursement of the cost of coronary stents is Rs.60,000 per stent subject to a maximum of two stents in a patient or the actual cost. It is further mentioned that the cost of coronary stent mentioned will be admissible over and above the cost of angioplasty and the cost of Rot-ablator over and above the charges of Balloon Angioplasty.

6. Considering all the facts and circumstance of the case, we are of the considered opinion that the OA is liable to succeed. Hence we allow the OA and the respondents are directed to pay Rs.46201/- to the applicant which they have recovered from him, within a period of two months from the date of receipt of a copy of this order. No costs.


(Madan Mehan)
Judicial Member


(M.P. Singh)
Vice Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR

O.A. No. 570 Of 2004

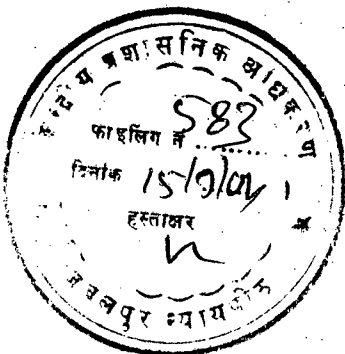
Applicant : V.K. Jain

Vs.

Respondents : Union of India and others

SYNOPSIS

1. Permission from Directorate, Medical Education on 29-1-2002
2. Certificate by Dr. Lekha Pathak dated 12-2-2002 that the applicant is suffering from severe unstable angima.
3. Application dated 18-2-2002 for sanction of Rs. 2,00,000 by way of medical advance.
4. Reply dated 25-2-2002 by Dr. Lekha Pathak confirming the expenses
5. The amount of Rs. 1,50,000/- was sanctioned by way of advance which was deposited in Dr. Bababhai Nanavati Hospital, Mumbai on 2-2-2003.
6. The angiography ^{Plasky} was done on 2-4-2002 and a bill of Rs. 1,42,163/- was given by the Hospital.
7. The remaining amount of Rs. 7837/- was deposited in the Deptt. by letter dated 26-6-2002 as the cheque of the said amount was received back from the Dr. Bababhai Nanavati Hospital, Mumbai.
8. On 10-7-2003, the applicant was compelled to deposit 46201/-
9. The applicant made number of representations but no reply was given.
10. On 4-9-2003, an amount of Rs. 500 was released in favour of the applicant as the same was deducted in excess.
11. The applicant obtained a certificate from Dr. Lekha Pathak that Coronary Stent was deployed.
12. The applicant has made representation but the amount of Rs. 46,201 has not been paid to the applicant as he is entitled for reimbursement of the said amount under Rule 17 of the Central Services (M.A.) Rules.



Presented on 15/7/04
by Shri. B.K. V.K. Jain
Patil & Co. Advocate/Respondent
Time 1.05 PM

Signature of the applicant

RECEIVED