

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

O.A.No.293 of 2003

Hon'ble Mr. A.K.Bhatnagar, Judicial Member-

For consideration pl.

Concurred

(R.K.Upadhyaya)
Administrative Member
23.5.2003

argued
Am

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH, JABALPUR

Original Application No. 293 of 2003

Jabalpur, this the 23rd day of May 2003.

Hon'ble Mr. R.K. Upadhyaya - Administrative Member
Hon'ble Mr. A.K. Bhatnagar - Judicial Member

Anil Kumar Singh, S/o Uma Charan
Singh, Aged about 50 years,
R/o 202, 7th Street, Sadar, Cantt.,
Jabalpur

APPLICANT

(By Advocate - Shri Ashok Maharana)

VERSUS

1. Union of India
Through: Secretary, Ministry of
Defence, New Delhi.
2. Secretary, Ministry of Finance,
Union of India, New Delhi.
3. General Manager, Gun Carriage
Factory, Jabalpur.
4. Joint Controller of Defence
Accounts, Jabalpur.
Local Account Officer G.C.F. Jap

RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R

By R.K.Upadhyaya, Administrative Member -

This application has been filed seeking a direction to the respondents not to recover the excess amount of medical advance granted to the applicant.

2. The applicant was employed as Highly Skilled Examiner with respondent no.3. He suffered a heart attack on 10.10.2000. After initial treatment, he was advised for further treatment at Escorts Heart Institute and Research Centre Ltd (for short 'EHRC') where he stated to have suffered subsequent heart attacks on 18.9.2001 and 27.11.2001. He was given advance of Rs.5,13,000/- towards his probable expenditure for AICD devise implantation at EHRC on 17.7.2002. It is claimed by the learned counsel for the applicant that the applicant was admitted in EHRC on 25.7.2002 for implantation of pace maker/AICD device and he was discharged.

Cr. 5 and 23

from the EHRC on 1.8.2002. The total bill of the EHRC pertaining to the applicant came to be Rs.5,29,500/- . The respondents have not admitted the full claim of the applicant for expenditure of Rs.5,29,500/- .Therefore, this application has been filed.

2.1 According to the learned counsel of the applicant, since the respondents have given Rs.5,13,000/- as advance and the total expenditure incurred is of Rs.5,29,500/- , the respondents should have approved the total reimbursement and granted further amount of Rs.16,500/- with interest. The learned counsel argued that the applicant was granted only 90% of the advance, therefore, the respondents should be directed to give further reimbursement. The learned counsel also referred to letter dated 31.4.2003 (Annexure-A-7) and urged that the entire amount of medical expenses has been approved for payment, therefore, no part of it could be disallowed now.

3. The learned counsel of the respondents has stated that the applicant had applied for medical advance of Rs.5,70,000/-towards his probable expenditure for AICD devise implantation at EHRC. The applicant was paid advance of Rs.5,13,000/- on 17.7.2002 for this treatment. On completion of the treatment, the applicant had submitted a final bill of Rs.5,29,500/- . On scrutiny of the claim, it was found that the applicant was entitled for payment of Rs.4,54,544/- in terms of Govt.of India, Ministry of Health & Family Welfare OM dated 7.9.2001. Therefore, the balance amount of Rs.58,456/- has to be recovered in instalments, from the applicant. The learned counsel of the respondents stated that the payment has to be restricted to the package amount admissible to the applicant. He also referred to certain decisions of this Tribunal where the payment of package amount in accordance with ^{instructions of} the Ministry of Health & Family Welfare has been approved. The learned counsel further stated that since the applicant is entitled to the cost of pace maker for permanent pace maker implantation, he has been granted the same. However, an amount of 10% has been reduced in terms of the Ministry of Health and Welfare OM dated 7.9.2001(Annexure-R-1) which provides

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for deduction of 10% for a person entitled to general ward. ^{not exceeding} The applicant had basic pay of Rs.7,500/- and he was entitled to general ward treatment only. Therefore, 10% has been reduced from Rs.16,160/-. The cost of Pace Maker has been shown at Rs.4,40,000/- as per bill dated 1.8.2002. Therefore, the respondents have authorised the payment of Rs.4,40,000/- plus Rs.14,544/- which comes to Rs.4,54,544/- as the total reimbursement. This application according to the respondents being devoid of any merit should be rejected.

4. We have heard the learned counsel of parties and have perused the material available on record.

5. The argument of the learned counsel that he was entitled to full reimbursement of medical expenses is not acceptable as the payments have to be regulated in accordance with the Ministry of Health and Family Welfare circular, which prescribes package rate for lump sum cost of the treatment. This Tribunal in order dated 3.10.2002 in the case of S.P.Mishra Vs.General Manager, Gun Carriage Factory Jabalpur & others, O.A.No.293/2002 has held that restriction of reimbursement of claims of medical expenses by the employer is valid in view of the decision of Hon'ble Supreme Court in the case of State of Punjab Vs.Ram Lubhaya Bagga, 1998(2)SLJ 35. In view of the above, the applicant is entitled to the package rate prescribed on the date of treatment between the period 25.7.2002 and 1.8.2002. The claim of the learned counsel that the entire medical reimbursement has been approved by the respondents as per their letter dated 31.4.2003(Annexure-A-7) is misconceived. This letter merely states that the package rate of pace maker was not available with the Works Manager who wrote the letter. However, he recommended that the claim be forwarded to the O.F. Board, Calcutta for their approval in accordance with the rules. This nowhere says that the entire claim has to be reimbursed to the applicant.

6. In our opinion, the action of the respondents is in

conformity with the rules and instructions on the subject. Therefore, the present application being devoid of any merits is dismissed without any order as to costs.

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(A.K.Bhatnagar)
Judicial Member

Upadhyaya
(R.K.Upadhyaya)
Administrative Member

rkv.

प्रूठक्षन सं ओ/व्या.....जबलपुर, दि.....
पतिलिपि अध्येता:-

(1) सचिव, उच्च अदायालान दार एसोसिएशन, जबलपुर
(2) आदेक्षन ए/वी/सी/टी/पु.....के काउंसल A. Matherana, Adv.
(3) प्रस्तावी वी/वी/टी/पु.....के काउंसल P. Shankarao, Adv.
(4) अधिकारी, एसोसिएशन, जबलपुर अधिकारी
सूचना एवं आवश्यक कागदानी हेतु

*Issued
On 23.5.03
By*
जबलपुर
23/5/03