

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 05th day of May, 2011

ORIGINAL APPLICATION NO. 250/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Smt. Sabana wife of Late Shri Abdul Rashid aged about 33 years, resident of Behind Chaman Hotel, Nayapura, Kota.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Post Master General, Rajasthan Southern Region, Ajmer.
3. Senior Superintendent of Posts Offices, Kota Postal Division, Kota.

.....Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The present OA is directed against the order dated 15.10.2009 by which the representation filed by Late husband of the applicant for the claim of Rs.1,20,558/- towards medical treatment of Kidney transplantation got done in Monilek Hospital, Jaipur has been rejected by the respondents inspite of specific direction of this Hon'ble Tribunal vide order dated 01.09.2009 in OA No. 232/2008 preferred by the applicant for the remaining claim after the death of her husband.

2. This is the third round of litigation. Earlier the applicant had filed OA No. 157/2007 before this Tribunal claiming relief that the respondents be directed to release the amount of Rs.1,20,000/-



alongwith interest at market rate and this Tribunal after having considered each of the aspect observed as under:-

"4. We have heard the learned counsel for the parties. Learned counsel for the applicant has drawn our attention to the decision rendered by Punjab and Haryana High Court in a similar matter i.e. **National Research Centre on Equines vs. Central Administrative Tribunal and another**, reported at 2005 (3) ATJ 107, and another decision of Principal Bench of this Tribunal in the case of **Mrs. Neeta Sharma v. Union of India & Others**, reported at 2006 (2) ATJ 84, whereby it has been held that in case the respondents have granted prior approval then for subsequent follow-up treatment no further approval is required and the prior approval holds good. Learned counsel for the applicant has drawn our attention to Annexure A/3, perusal of which shows that the applicant was referred by the Postal Dispensary Kota and MBS Hospital Kota for renal transplantation from higher centre and it was only on account of such medical advice, the applicant had undergone the renal transplantation in the Monilek Hospital and Research Centre, Jaipur which, admittedly, is a recognized hospital. It is also not in dispute that the said medical claim was also sanctioned by the respondents. However, the reimbursement was limited to government rates.

5. In view of what has been stated above, we are of the view that it was not permissible for the respondents to file the claim of the applicant for follow up treatment solely on the ground that the applicant did not obtain permission from the competent authority especially when the learned counsel for the applicant has submitted that he limiting his claim to the government rates as per OM dated 28.3.2000. On the other hand, the respondents have not pointed out any provisions of law which debars the applicant from claiming medical reimbursement on account of follow up treatment.

6. Thus, in view of what has been stated above and more particularly the respondents have sanctioned the claim of the applicant on account of his treatment for kidney transplantation at initial occasion, we are of the view that the initial sanction granted by the respondents holds good so far as the follow-up treatment is concerned.

7. Accordingly, the respondents are directed to pass the claim of the applicant, as has been filed vide letter dated 3.4.2007, as per rules and make the reimbursement of the amount limited to CGHS/Government rates within a period of one month from the date of receipt of a copy of this order."



3. As per directions issued by this Tribunal in OA No. 157/2007, in accordance CS (MA) Rules, 1944 in emergent circumstances, the medical bills were sanctioned amounting to Rs.84,064/- for treatment of husband of the applicant and Rs.11,240/- for treatment of Kidney Donor.

4. Not being satisfied with the aforesaid payment, the applicant had filed representation before the respondents but when the representation had not been considered, the applicant filed OA No. 232/2008. This Tribunal while considering the claim of medical reimbursement towards indoor treatment, notices were given to the respondents. The respondents in their reply have submitted that:-

"10. That the applicant submitted petition to Chief PMG Jaipur against deduction of amount of Rs.1,20,000/- for package deal and same was forwarded to respondent no. 3 vide letter No. E8/MR/AR dated 5.4.2006 because the sanction was issue by respondent no. 3 vide his memo No. CPT/SR/AC/23-8/2003/14 dated 24.9.2004. The appeal was forwarded to Chief Post Master General, Jaipur vide Regional Office letter No. BGT/SR/23-8/03 dated 23.5.2006. The CPMG returned the case vide letter No. AC4-178-B/2003-04 dated 16.5.2007 for reconsideration alongwith copy of D.G. Post New Delhi letter No. 21-11/2007/Medical dated 1.5.2007 and M/O Health & FW OM NO. 5/14025/7/2000-MS dated 28.3.2000. The PMG has rejected the case for reimbursement i.e. for payment of rest amount Rs.1,20,000/- only and same was informed to SSPOs Kota."

5. Having considered the reply submitted by the respondents, it appears that out of total medical claim, amount of Rs.1,20,000/- was not paid to the applicant. The case of the applicant was considered as per the directions/instructions of D.G. Post New Delhi letter No. 21-11/2007/Medical dated 1.5.2007 and M/O Health & Family Welfare OM No. 5/14025/7/2000-MS dated 28.3.2000. Upon perusal of the



aforesaid order of the PMG and the letters/orders which have been submitted by the respondents, which were taken on record, it is evident from the letter dated 21.6.2007, addressed by Postmaster General to Chief Postmaster General with a copy to the SSPOs Kota Division, Kota that medical reimbursement claim of Late Abdul Rashid, PA, Kota Headquarter, was examined and it was directed by the competent authority after careful consideration of the case in the light of DG (Post) New Delhi dated 1.5.2007 under the Ministry of Health & Family Welfare OM dated 28.3.2000 and rejected the full reimbursement of the claim. Thus this Tribunal vide its order dated 01.09.2009 directed the respondent no. 3 to pass a reasoned and speaking order on the representation of the applicant dated 21.2.2007 within three months from the date of receipt of the copy of the order.

6. Pursuant to the direction issued by this Tribunal vide its order dated 01.09.2009, the representation of the applicant has been decided vide order dated 15.10.2009 (Annexure A/1) by speaking order. As per this Tribunal, it is an admitted fact that Monilek Hospital, Jaipur is empanelled by the CGHS. The only dispute is with regard to the balance amount of medical claim of Rs.1,20,558/-, which has been rejected by the respondents. Learned counsel for the applicant referred to Ministry of Health & Family Welfare letter dated 24.12.2002 (Annexure A/6) wherein it has been stated that :-

"2(a) Package rate is defined as lump sum cost of inpatient treatment or diagnostic procedure for which a patient has been referred by competent authority or CGHS to Hospital or Diagnostic Center. This includes all charges pertaining to a particular treatment/procedure including admission charges, accommodation charges, ICU/ICCU charges, monitoring charges, operation charges, anesthesia charges, operation theatre charges, procedural



charges/surgeon's fee, cost of disposable, surgical charges and cost of medicines used during hospitalization, related routine investigations, physiotherapy charges etc."

7. Learned counsel for the applicant also drawn our attention towards lists of hospitals, which are empanelled under the CGHS, and the name of Monilik Hospital find place at sr. no. 10.

8. Per contra, learned counsel for the respondents submitted that the amount which is admissible as per rules has already been paid to the applicant.

9. I have carefully gone through the judgments passed by this Tribunal in OA No. 157/2007 decided on 03.03.2008, OA No. 232/2008 decided on 01.09.2009. I have also perused the speaking order dated 15.10.2009, which is self explanatory and each & every aspect has been considered. The approximate expenditure on kidney transplantation at SMS Hospital could have been Rs.50000/- whereas as per Monilek Hospital, Jaipur's letter dated 24.01.2003, expenditure on kidney transplantation was Rs.1,80,000/-. It was not clarified in the said letter that this expenditure was under CGHS rates. The late official has neither submitted any emergency certificate nor had he taken treatment in the approved hospital by the Central Government i.e. SMS Hospital, Jaipur. The late official submitted that there was a package deal for kidney transplantation in CGHS Hospital for Rs.1,20,000/- but as per approved rate list of CGHS Hospital, Jaipur , no amount of package was shown against Kidney transplantation charges. The respondents have thoroughly considered the representation of the applicant in compliance of the CAT order dated



01.09.2009 passed in OA No. 232/2008 and sanctioned Rs.84,064/- for treatment of husband of the applicant for kidney transplantation and Rs.11,240/- for treatment of kidney donor, which amount has already been paid. The authority did not find any reason to accept the balance amount of the claim amount to Rs.1,20,558/- and according the representation of the applicant dated 21.02.2007 was rejected. Again the applicant is reiterating the same claim which has already been agitated by her before this Tribunal and before the authorities concerned. Since the Postmaster General, Rajasthan Southern Region [Respondent no. 3] had decided the applicant's representation dated 21.02.2007 by speaking order dated 15.10.2009 (Annexure A/1), I find no merit in this OA. Consequently, the OA deserves to be dismissed and is accordingly dismissed with no order as to costs.

K.S.Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

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