

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.05.2013

OA No. 396/2011

Mr. P.N. Jatti, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard learned counsel for the parties. The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Tuesday, this the 28th day of May, 2013

Original Application No.396/2011

CORAM:

HON'BLE SHRI ANIL KUMAR, MEMBER (ADMV.)

Abdul Rehman S/o Janab Allahdeen,
aged about 60 years, r/o 45, New Hajji Colony,
Shiv Marg, Kalwar Road, Jhotwara, Jaipur-12,
presently working as Senior Accountant
in the office of the Director Accounts (Postal),
Jhalana Doongari, Jaipur

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary
to the Government of India,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Director Accounts (Postal),
Jhalana Doongari,
Jaipur.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The applicant has filed the present OA praying for the following reliefs:-

"8.1 That by a suitable writ/order of the direction the impugned order vide annexure A/1 be quashed and set aside and the respondents be direction to draw a sum of Rs. 12750/- in favour of the applicant the rest amount of the bill of the Heart and General Hospital, Vivekanand Marg, Jaipur dated 27.12.2010 to 31.12.2010.

8.2 Any other relief which the hon'ble bench deems fit."

2. The short controversy in this case is that the applicant took treatment from the Heart and General Hospital, Jaipur. The Doctor of the Hospital raised a bill for Rs. 1,42,750/- (Ann.A/2), but the respondents have paid only Rs. 1,30,000/- and rest of the amount of Rs. 12,750/- is not paid to the applicant. The learned counsel for the applicant drew my attention to Rule 6(2) of Swamy's - Medical Attendance Rules, which is quoted below:-

"6.(1) A Government servant shall be entitled, free of charge, to treatment-

- (a).....
- (b).....

2. Where a Government servant is entitled under sub-rule (1), free of charge, to treatment in hospital, any amount paid by him on account of such treatment shall, on production, of a certificate in writing by the authorized medical attendant in this behalf, be reimbursed to him by the Central Government."

3. The learned counsel for the applicant argued that since the above rule provides that any amount paid by the applicant on the

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treatment shall be reimbursed by the Central Government on production of a certificate in writing by the authorized medical attendant in this behalf, and in this case, Heart and General Hospital has verified the expenditure of Rs. 1,42,750/- (Ann.A/2), therefore, the applicant should be paid the balance amount of Rs. 12,750/-.

4. On the contrary, the learned counsel for the respondents submitted that the applicant submitted a bill for medical reimbursement to the tune of Rs. 1,42,750/. Out of which, Rs. 1,30,000/- has been reimbursed to him being admissible amount. The amount of Rs. 12,750/- was not paid to the applicant because it was not admissible. The learned counsel drew my attention towards the bill of the Hospital submitted by the applicant (Ann.A/2) which shows Cath Lab Consumable Charges Rs. 45,000/- and Cath Lab Charges Rs. 85,000/- and the total amount comes to Rs. 1,30,000. This entire amount has been paid to the applicant.

5. He further drew my attention to an amount of Rs. 12,750/- shown in the bill as increase of 15% as per salary and argued that as per Swamy's Compilation of Medical Attendance Rules (Ann.R/1), 15% increase is admissible to those employees who are entitled for private ward. Further drew my attention to Nabhi's compendium of orders under Central Government Heath Scheme (Ann.R/2) which provides that private ward is entitled to those employees whose pay is Rs. 19540/- and above whereas pay of the applicant was Rs.

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11,560/- in the pay band. Therefore, he was not entitled for private ward as per orders under Central Government Health Scheme and his claim of 15% over and above package rate is not admissible.

6. Heard the learned counsel for the parties and perused the documents on record.

7. It is not disputed that Heart and General Hospital, 7, Vivekanand Marg, C-Scheme, Jaipur raised a bill of Rs. 1,42,750/- for treatment of the applicant and applicant has been paid Rs. 1,30,000/-. The dispute is with regard to the balance amount of Rs. 12,750/-. From perusal of the bill raised by the Hospital, it is clear that the applicant has been paid Cath Lab Consumable Charges of Rs. 45,000/- and Cath Lab Charges of Rs. 85,000/-. Thus, the applicant has been reimbursed the total amount of medical treatment. In the bill an amount of Rs. 12750/- has been indicated as increase of 15% as per salary, which has not been paid to the applicant.

8. I am inclined to agree with the submissions made by the learned counsel for the respondents that the applicant is not entitled for reimbursement of Rs. 12,750/-. The Medical Attendance Rules (Ann.R/1) are quite clear that an increase of 15% is admissible to those employees who are entitled for private ward. The entitlement of private ward has been given in para-3 of the letter dated 20.5.2009 of the Central Government Health Scheme (Ann.R/2).

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According to this letter, any employee who is drawing salary of Rs. 19540/- and above are only entitled for private ward. The respondents have categorically stated in their written reply that the applicant was drawing pay of Rs. 11,560/- in the pay band. This fact has not been disputed by the learned counsel for the applicant. Thus, in my opinion, the applicant was not entitled for private ward as per orders of the Central Government Health Scheme and accordingly, increase of 15% over and above the package rate is not admissible to him. Hence, the applicant is not entitled for any relief in the present OA.

9. Consequently, the OA being devoid of merit is dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMV. MEMBER

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