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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00923/2014
Chandigarh, this the 8th Day of May, 2015

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CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).

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Chetan Sharma son of Shri Mange Ram Sharma, presently posted at Mobile Section, Main Telephone Exchange, Near Bus Stand, Sukhdev Nagar, Panipat.

...APPLICANT

VERSUS

1. Union of India through its Commissioner and Secretary, Department of Telecommunications, New Delhi.
2. The Senior General Manager (CM), 107, CellOne Bhawan, The Mall Road, Ambala Cantt.
3. The Chief General Manager, Haryana Circle, 107, The Mall Road, Ambala Cantt.
4. The Deputy General Manager (CMO-II), Mobile Section, Main Telephone Exchange, Near Bus Stand, Sukhdev Nagar, Panipat.

...RESPONDENTS

Present: Sh. B.B. Sharma, counsel for the applicant.
Sh. Darshan Gupta, counsel for respondent no.1.
Sh. D.R. Sharma, counsel for respondents no.2 to 4.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents to make payment of Rs.1,07,319/- along with interest @12% p.a. on account of the claim regarding reimbursement of medical expenses and to set aside impugned order dated 26.08.2014 (Annexure A-12).

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2. Averment has been made in the O.A. that the applicant is working as Telecom Technical Assistant (TTA) on regular basis in the office of respondent no.4. The wife of the applicant Smt. Ruchi Sharma who was seven months pregnant was residing with the parents of the applicant at Karnal. Since she went into premature labour on 01.12.2012 night, she was immediately taken to Neera Nursing Home. The case was diagnosed as foetal disorder and premature delivery. Surgery was performed and the baby was delivered. Since new born baby was very weak, doctors of Neera Nursing Home advised that the baby be shifted to a hospital having pediatric nursing facilities such as ventilator support. The new born baby was taken to Amritdhara Hospital which was an authorized hospital as per the respondents. However, Amirtdhara Hospital referred the case to Thakur Hospital. The new born child remained under the treatment of Thakur Hospital and was discharged on 21.12.2012. The applicant had spent a sum of Rs.1,07,319/- for the treatment of his wife and his new born son as per details given below:

(a) In Neera Nursing Home	Rs.20,571
(b) In Thakur Pediatric Nursing Home	Rs.86,748
Total	Rs.1,07,319

The applicant had submitted the medical bills to the competent authority for reimbursement through proper channel vide letter No.53 dated

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21.01.2013 for Rs.20,571 and vide letter No.54 dated 21.01.2013 for Rs.86,748 (Annexures A-1 and A-2 respectively). However, the claim of the applicant was rejected vide letters dated 25.02.2013 and 25.03.2013 (Annexures A-3 and A-4 respectively) on the ground that the treatment of wife and new born son was not undertaken from hospitals approved by the respondent department.

3. In the grounds for relief it has, inter alia, been stated as follows:

- i. The respondents have rejected the claim of the applicant without going into the facts and circumstances under which his wife and his son got medical treatment in emergency. On 01.12.2013 when the wife who was seven months pregnant was admitted in the nearest hospital for treatment and on the same day she was operated upon and child was born. In this regard, the applicant had spent a sum of Rs.20,571/-. Since the new born baby was very weak and was having breathing problem, it was advised that he should be shifted to a hospital which was having life saving facilities like ventilator. The new born baby was first of all shifted to Amirtdhara Hospital, which is an authorized hospital but at that time there was no facility of ventilator available there and hospital had referred the case to Thakur Hospital. There was no negligence on the part of the applicant. These facts have been ignored by the respondents while rejecting the claim of the applicant. When the wife of the applicant was admitted in the hospital on 01.12.2012, the applicant had informed his senior officers namely Shri Surinder Sharma, JTO Admn and Shri Ramesh Kapoor SDE Admn. at Panipat where the applicant was posted at that time and also informed over phone to Sh. Naresh Kumar Phoria, AD (Admn.)/AGM (Admn.) at Ambala Cantt. followed by Fax message on 02.12.2012.



- ii. The claim of the applicant had been rejected without application of mind and without considering the emergency under which the treatment of the applicant's wife and newly born son was got done.

4. In the written statement filed on behalf of the respondents it has been stated that the claim of the applicant for medical reimbursement was rejected by the answering respondents as per the Guidelines dated 12.09.2012 issued by the CGMT, Haryana Telecom Circle, BSNL, Ambala in which it has been clearly mentioned that the treatment from non-empanelled hospitals should be stopped immediately, except in emergency cases (i.e. only those involving accident, serious nature of disease etc.) for which prior approval may be taken from the Circle. Such type of cases may be verified personally by SSA Head and specific recommendation may be given before sending to Circle for approval. A copy of the guidelines dated 12.09.2012 is appended (Annexure A-10). As per guidelines of letter No.WLF/7-1/Treatment in Non Empanelled Hospital/21 dated 12.09.2012 (Annexure R-1), the case of wife of the applicant Sh. Chetan Sharma is not covered under emergent case, therefore, the applicant is not entitled to any reimbursement of the medical bills.

5. It is further stated that the claim of the applicant for medical reimbursement has been rejected by the answering respondents on the ground that the treatment of wife of the applicant was not

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undertaken from the hospital approved from the respondent department vide letters dated 26.02.2013 and 25.03.2013 (Annexure A-3, A-4). These letters are not under challenge, therefore, the present O.A. is liable to be dismissed. The representations/appeals of the applicant were rejected by the answering respondents vide letter dated 26.08.2014 (Annexure A-12) and the same is also not under challenge. Even the guidelines dated 12.09.2012 are not under challenge.

6. Arguments advanced by learned counsel for the parties were heard when they reiterated the content of the OA, replication and written statement respectively.

7. I have given my thoughtful consideration to the matter keeping in view the pleadings of the parties and arguments advanced by learned counsel. It is clear from the material on record that the wife of the applicant was admitted to Neera Nursing Home when she went into premature labour at the stage of 7 months pregnancy. The new born child had to be taken to Thakur Hospital as Amritdhara Hospital, which was on the authorized list, did not have facility for ventilator support required for the new born. This was clearly an emergency and the respondents should have treated the same as such and allowed reimbursement to the applicant. Hence the O.A. is allowed with direction that the medical reimbursement claim of the applicant may be re-

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considered and the expenditure incurred at Neera Nursing Home and Thakur Hospital be reimbursed to the applicant subject to rates prescribed under the CGHS Scheme. Such reconsideration and release of the claim of the applicant may be effected within a period of one month from the date of a certified copy of this order being served upon Respondents No.2, 3 and 4.

8. With the directions as above, the OA is disposed of. No costs.

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 08.05.2015.

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