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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00428/2014

Date of Decision :/8.9.2014
Reserved on: 16.09.2014

CORAM: **HON'BLE MR. SANJEEV KAUSHIK, JUDICIAL MEMBER**
HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER

Baldev Raj son of Shri Rattan Chand, aged 64 years, Supervisor (Retired),
resident of House No.357, Sector 14, Urban Estate, Karnal (Haryana).

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Applicant

Versus

1. The Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi-110 124.
2. The Principal Director of Commercial Audit & Ex-Officio Member, Audit Board-II, 10, Bahadur Shahzafar Marg, New Delhi-11002.

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Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. I.S.Sidhu, counsel for the respondents

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

1. The applicant is aggrieved by letter dated 17.04.2014 (Annexure A-1) from respondent no.2 whereby his medical claim for Rs.3,20,716 (Rs.75,454 + Rs.2,45,262) for treatment of his heart ailment and for procedure of Coronary Angiography followed by PTCA and implanting of Stent, taken from a private hospital at Karnal and then from Max Super Specialty Hospital, Mohali from 04.02.2014 to 09.02.2014 and

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from 12.02.2014 to 14.02.2014 respectively, have been returned with the plea that he was not a member of CGHS at the time of his retirement.

2. It has been stated in the OA that the applicant had retired on 28.02.2010 as Supervisor from the office of respondent no.2 and had settled in Karnal which is a non-CGHS area. Since the applicant is residing in non-CGHS area, he was drawing fixed medical allowance of Rs.300 per month for meeting expenditure on his day to day medical needs that do not require hospitalization. He had stopped taking fixed Medical Allowance from March,2014, after becoming CGHS life member on 09.03.2014 (CGHS Smart Card No.4312508) by paying subscription of Rs.39,000. Copy of certificate dated 03.03.2014 given by his pension disbursing bank to this effect is enclosed as Annexure A-3. It is further stated that on 04.02.2014, the applicant felt acute chest pain and breathlessness and was taken to nearby Shri Ram Chand Memorial Hospital, Karnal from where he was discharged on 09.02.2014 and a sum of Rs.75,454 was charged for treatment. When his condition deteriorated on 11.02.2014, he was taken to Gandhi Hcspital, Karnal from where he was referred to a higher centre. On 12.02.2014, he was admitted in Max Super Specialty Hospital, Mohali and after Coronary angiography, procedure of PTCA was done and stent implanted. He was discharged on

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14.02.2014 and a sum of Rs.2,45,262 was charged from him. The applicant submitted his medical bills amounting to Rs.3,20,716 (Rs.75,454 + Rs.2,45,262) to respondent no.2 on 24.03.2014 (received on 03.04.2014) for reimbursement (Annexure A-2). The same was returned on 17.04.2014 by respondent no.2 with the plea that pensioners' medical claim was to be reimbursed by CGHS and he was not a member thereof at the time of his retirement (Annexure A-1).

3. In the grounds for relief, it has been stated that the stand taken by respondent no.2 is not tenable as liability of CGHS arises from the day the applicant has become CGHS member. For the period prior to that, it is the settled law that it is the liability of the present office, respondent no.2, to reimburse his medical claim. Substantial case law has been cited in support of the claim of the applicant for reimbursement of the medical expenses incurred by the applicant for treatment in private hospitals.

4. In the reply filed on behalf of the respondents, it has been stated that the applicant was not a member of CGHS prior to his retirement on superannuation as he had withdrawn from CGHS on 07.03.2007. He became a life member of CGHS only on 07.03.2014 after having suffered cardiac problem and taking the treatment for which medical reimbursement was being sought. During the period from the retirement of the applicant

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and his becoming life member on payment of requisite subscription on 07.03.2014, there was no Rule / Scheme for reimbursing of medical expenses applicable to the case of the applicant.

5. Learned counsel for the parties have been heard. It is observed that the claim made in this OA is squarely covered by decision in OA No.1644/HR/2013 titled "S.P. Arya Vs. UOI & Ors.", decided on 01.05.2014 . Hence the applicant is held entitled to reimbursement of his medical expenses incurred at the time of treatment in privately managed health institutions as per rates prescribed under the CGHS Scheme. The respondents are directed to reimburse the applicant regarding his medical expenses to the extent as indicated above within a period of three months from the date of receipt of a certified copy of this order being served upon the respondents. No costs.

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(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

Sanjeev
(SANJEEV KAUSHIK)
JUDICIAL MEMBER

Place: Chandigarh
Dated: 18-9-2014

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