

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1252/2016

Tuesday, this the 6th day of March 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Mrs. Mamta, age 34 years
Group B,
Primary School Teacher, NDMC
w/o Shri Vikas Dabas
H.No.52
Village Mangesh Pur
Delhi – 110 039

(Mr. Randhir Kumar, Advocate)

..Applicant

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
4th Floor, Civic Centre, Minto Road
New Delhi – 2
2. The Deputy Commissioner
Narela Zone
North Delhi Municipal Corporation
PHC, Alipur
Delhi – 110 040

..Respondents

(Mr. Satyendra Kumar, Advocate)

O R D E R (ORAL)

Through the medium of this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:-

“(a) Direct the respondent to reimburse the total expenses, i.e. Rs.3,92,932/- incurred by the Applicant in treatment of her dependant, father in law;

(b) Direct the Respondents to pay the remaining amount of Rs.1,96,881/- to the Applicant;

(c) Direct the Respondents to pay 18% interest on the remaining amount till the time of actual payment to the Applicant.”

2. The factual matrix of the case is as under:-

2.1 The applicant is working as a Primary Teacher under the North Delhi Municipal Corporation (North DMC) – respondent No.1. Her father in law late Shri Sumat Prakash was admitted in an emergency condition on 27.01.2014 at Jaipur Golden Hospital, Rohini, New Delhi; which is a CGHS empanelled hospital. North DMC has also adopted the same panel of hospitals for its employees.

2.2 As the medical condition of late Shri Sumat Prakash started deteriorating, on the advice of Jaipur Golden Hospital, the patient was taken to Institute of Liver & Biliary Sciences (ILBS), Vasant Kunj, New Delhi, which is an autonomous Society under Govt. of NCT of Delhi, where he was admitted on 29.01.2014. Unfortunately, during the hospitalization itself, he died on 03.02.2014.

2.3 The applicant presented a bill of ₹1,60,630/- issued by Jaipur Golden Hospital and another bill of ₹2,32,300/- issued by ILBS towards treatment of the patient, to the respondents for reimbursement. The total amount of these bills comes to ₹3,92,931/-. The respondents, applying the CGHS norms, restricted the reimbursement to ₹1,96,050/-. The applicant claims that since her father in law was admitted in an emergency condition and Jaipur Golden Hospital is CGHS empanelled hospital and the ILBS is a hospital owned by Govt. of NCT of Delhi itself, she is entitled for full medical reimbursement of the bills amounting to ₹3,92,931/-.

Since her claim has not been considered by the respondents and reimbursement has been restricted to ₹1,96,050/-, the applicant has filed the present O.A. praying for the reliefs as indicated in paragraph (1) above.

3. In response to the notices issued, the respondents entered appearance and filed their reply.

4. Arguments of learned counsel for the parties were heard today.

5. Mr. Randhir Kumar, learned counsel for applicant vehemently argued that the father in law of the applicant was admitted in an emergency condition in the aforementioned two hospitals, and thus the medical expenditure incurred in the hospitals is required to be fully reimbursed. In this regard, the learned counsel placed reliance on the judgment of Hon'ble High Court of Delhi in the case of **Gurcharan Singh v. Union of India & others** (W.P. (C) No.56/2008) decided on 19.01.2010.

6. *Per contra*, Mr. Satyendra Kumar, learned counsel for respondents drew my attention to the following averments made in the reply:

6.1 The applicant was required to file a declaration in Form No.3, as defined in clause (b) of sub-rule (14) of rule 54 of CCS (Pension) Rules, 1972 regarding her dependents, which she had failed to do. She, however, filed the said declaration only on 19.09.2014, i.e., after the death of her father in law on 03.02.2014.

6.2 Jaipur Golden Hospital was on the panel of erstwhile Municipal Corporation of Delhi (MCD) only for cardiology and cardiothoracic surgery.

The hospital was not empanelled for the ailment for which the patient was taken there.

6.3 The Expert Committee of the respondents for recommendation of emergency cases had considered the claim of the applicant and recommended for medical reimbursement on 03.07.2014 as per CGHS/MCD approved rates. Accordingly, the reimbursement has been granted to the extent of ₹1,96,050/-.

6.4 The judgment of Hon'ble High Court of Delhi, relied upon by the applicant, is not applicable to the instant case in view of the fact that the CGHS rates were revised vide O.M. dated 17.08.2010 (Annexure R/1) post the said judgment.

7. I have considered the arguments of learned counsel for the parties and perused the materials placed on record.

8. It is not in dispute that the applicant had not declared her dependents in Form No.3, as was statutorily required. However, such declaration was belatedly made by her on 19.09.2014. It is also not in dispute that Jaipur Golden Hospital is CGHS/MCD approved hospital and that the patient was taken to the hospital in an emergency condition. It is quite understandable that in emergency condition, it is difficult to say as to what kind of disease the patient would be suffering with. Since the Jaipur Golden Hospital was near to the residence of the applicant, the patient was taken to this hospital. The initial treatment given by the said hospital made the patient to survive for some time. But since his condition was not getting stable, the said hospital recommended that the patient should be taken to ILBS. Hence, it is

well established that in both these hospitals, the patient was treated in an emergency condition.

9. The Expert Committee of the respondents had duly considered the case of the applicant for medical reimbursement and recommended for reimbursing the expenses incurred as per norms. The respondents, applying the CGHS norms, have restricted the reimbursement to ₹1,96,050/-. Taking into consideration that the patient was treated in both these hospitals in an emergency condition as an indoor patient, I am of the view that the applicant is entitled for grant of full reimbursement of the medical expenses incurred by her on treatment of her late father in law.

10. In the conspectus of discussions in the foregoing paragraphs, this O.A. is allowed. Respondents are directed to reimburse the medical bills fully amounting to ₹3,92,931/-. Since reimbursement to the tune of ₹1,96,050/- has already been made by the respondents, the differential amount shall be paid to the applicant within a period of two months from the date of receipt of a copy of this order. It is, however, made clear that the applicant shall not be entitled for any interest on this differential amount.

No order as to costs.

(K.N. Shrivastava)
Member (A)

March 6, 2018
/sunil/