

**Central Administrative Tribunal
Principal Bench**

CP No.789/2015

in

OA No.1769/2014

New Delhi, this the 3rd day of August, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Subhash Saxena
Aged about 65 years,
S/o Late B. S. Saxena
R/o A-138, T-3, Ashirwad Apartment,
Dilshad Colony, Shahdara,
Delhi 110 095.

Retired from CPWD,
Electrical Division-III,
5th Floor, Room No.518,
IP Bhawan, New Delhi.

.... Applicant.

(By Advocate : Shri P. K. Devpujari)

Versus

Shri Sanjay Aggarwal
Executive Engineer, ED-III,
CPWD, 5th B-518,
IP Bhawan,
New Delhi.

... Respondent.

(By Advocate : Shri Subhash Gosain)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman:

On the last date of hearing, we directed Mr. Subhash Gosain, learned counsel for the respondents to produce the relevant rules wherein reimbursement for medical treatment in emergency from a non empanelled hospital is made.

2. Today, Shri Subhash Gosain, learned counsel for the respondents has shown us revised CGHS rates applicable for private hospitals/diagnostic centres empanelled under CGHS as contained in Section-IV of Manual on CGHS. He submits that the applicant is entitled to the reimbursement at the same rate as is being paid for the

empanelled hospitals of the CGHS. He has referred to Section IV of the CGHS Compendium and submits that for the surgery undergone by the applicant, the amount is indicated at Item No.1131 for which Rs.16,400/- is reimbursable. Apart from that, Shri Gosain has placed on record the reimbursement claim made by the applicant. The applicant has made a claim of Rs.20,425/- in the prescribed format. This form was shown to the applicant who is present in court. He has admitted that this form is filled by him. Against the aforesaid claim, the applicant has been paid an amount of Rs.19,717/- on 24.07.2015 as is evident from the RTI reply dated 09.09.2015 (Annexure P-11) appended with this petition. The applicant has also acknowledged the receipt of this amount on asking by the Tribunal. Thus, in the claim application there is no mention of Rs.43,000/- the amount as is being claimed by the applicant in the present contempt, and against Rs.20,420/- he has already been paid Rs.19,717/-.

3. In this view of the matter, no case for proceeding in the contempt petition is made out. These proceedings are dropped.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/