

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3425/2013

Order Reserved on: 06.09.2016
Order pronounced on 15.09.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

Sh. Jagdish Sharma
S/o Late Sh. Para Ram Sharma
Aged about 65 years
Ex SPM (Retd.) Deptt. of Posts
R/o H.No.D-16/285, Sector-III
Rohini, Delhi – 110 085.

Address for service:

Sh. R.P.Sharma, Advocate
CAT (PB), Bar Room
Copernicus Marg
New Delhi – 110 001. Applicant

(By Advocate: Shri R.P.Sharma)

Versus

1. The Union of India
Ministry of Health & Family Welfare
Through Secretary, Health
Shastri Bhawan
New Delhi – 110 001.
2. The Additional Director, CGHS (NZ)
New Rajinder Nagar, Shankar Road
New Delhi – 110 060. Respondents

(By Advocate: Dr. Ch. Shamsuddin Khan)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, a retired SPM of the Department of Posts, and a Central Government Health Service (in short, CGHS) beneficiary, filed the OA, having aggrieved by the action of the respondents in refusing to reimburse his medical claim of Rs.1,38,000/- on the ground that the case record of the applicant does not support any emergency admission and emergency procedure.

2. It is submitted that the applicant has been suffering from cervical spondylosis, i.e., neck pain, and had been taking treatment from the CGHS Wellness Centre, and also from other Hospitals, i.e., RML Hospital, New Delhi, Institute of Human Behaviour and Allied Science, Sir Ganga Ram Hospital, etc.

3. On 20.02.2012, the applicant suddenly collapsed due to suffocation and paralysis, and his son admitted him to Sir Ganga Ram Hospital, in emergency condition, where he underwent anterior cervical discectomy with instrumentation/ bone grafting. He was discharged on 22.02.2012 vide the Annexure A7, Discharge Summary Note of Sir Ganga Ram Hospital. In this connection, he incurred an expenditure of Rs.1,38,000/- at Sir Ganga Ram Hospital and accordingly he submitted the bill seeking medical reimbursement with necessary documents to the respondent-authorities vide Annexure A8. On submitting other documents and information, the respondent-authorities, finally, vide impugned Annexure A1 regretted to pay the

medical bill by observing that the case record of the applicant does not support for any emergency admission and emergency procedure for the mentioned disease process.

4. Heard Shri R.P.Sharma, the learned counsel for the applicant and Dr. Ch. Shamsuddin Khan, the learned counsel for the respondents, and perused the pleadings on record.

5. The learned counsel for the applicant submits that the applicant, admittedly, had been taking treatment from CGHS Centres and Government Hospitals and empanelled Hospitals of CGHS, for his disease prior to his admission at Sir Ganga Ram Hospital. Since on 20.02.2012, as the applicant suddenly collapsed due to suffocation and paralysis and due to the urgency, and severe deterioration of the health condition of the applicant, his son got him admitted at Sir Ganga Ram Hospital, there the applicant underwent surgery on 21.02.2012, and was discharged on 23.02.2012. The treatment and surgery were in view of his critical and emergent condition. He further submits that at Sir Ganga Ram Hospital, the applicant was treated by Dr. Ashish Goyal, and that the same Doctor issued the Emergency Certificate dated 23.02.2012 stating that the applicant was admitted into the Hospital in emergency on 20.02.2012 and was operated and discharged on 23.02.2012. Hence, the respondents cannot refuse to reimburse the medical claim of the applicant on the ground that there was no emergency condition at the time of admission of the applicant into Sir Ganga Ram Hospital.

6. Per contra, the learned counsel for the respondents, submits that the CGHS has a list of Government Hospitals and empanelled Hospitals for treatment of the disease of the applicant. Expenses incurred as per CGHS rates and guidelines are reimbursed provided treatment is taken as per guidelines. Applicant had taken treatment in a non-CGHS empanelled hospital without prior permission and in non-emergency condition. The Specialist of Dr. R.M.L.Hospital has not justified the emergency nature of treatment as the applicant was suffering from the same illness for a long period. Hence, the medical claim of the applicant was rightly denied.

7. Admittedly, a CGHS beneficiary is entitled for reimbursement of his medical expenses incurred in a non-CGHS empanelled hospital, only when he was admitted and underwent the treatment in 'emergency condition'. Therefore, the only issue in the present OA is whether the applicant's admission and treatment and incurring of the expenditure in Sir Ganga Ram Hospital, was in an 'emergency condition'.

8. In view of the submission of the respondents about non-justification of the emergency nature of the treatment of the applicant by the expert of Dr. R.M.L.Hospital, on our direction, the respondents' counsel produced the copy of the opinion of the said expert. The Head of Department of Neurosurgery of Dr. R.M.L.Hospital, vide his opinion, dated 16.01.2013, stated that "*as per available case record, the patient was suffering from chronic degenerative disease of spine, i.e., PIVD Lumbar Canal Stenosis having neurological symptoms for quite*

some time. For this the planned surgery is indicated to prevent further deterioration. But the case record of the patient does not support for any emergency admission and emergency procedure for the mentioned disease process."

9. Further, though the applicant contends that he was admitted in to Sir Ganga Ram Hospital on 20.02.2012, in an emergency condition by his son, and that the Doctor, i.e., Dr. Ashish Goyal, who treated him at the said Hospital certified that he was admitted in emergency and was operated but the Annexure A7-Discharge Summary Note of the applicant issued by the same Doctor along with another Doctor Shri V.S.Madan does not disclose any emergency condition either at the time of admission of the applicant or at the time of his surgery. Accordingly, the contention of the applicant that he was admitted in Sir Ganga Ram Hospital in an emergency condition is not supported by his own medical record. The Emergency Certificate dated 23.02.2012 of Dr. Ashish Goyal, cannot be given credit in view of the same Doctor's discharge summary dated 23.02.2012 and also of the expert opinion of Dr. R. M. L. Hospital. Therefore, we do not find any illegality in the action of the respondents.

10. In the circumstances and for the aforesaid reasons, the OA is dismissed. No costs.

(V. Ajay Kumar)
Member (J)

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