

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

O.A. No.4164/2015

This the 26th day of August 2016

Hon'ble Shri P.K. Basu, Member (A)

Jagan Nath Bansal
S/o Late Shri Gopi Ram, Aged about 77 years
Retired Lab Assistant, Group 'C'
Resident of H. No. 45, Punjabi Colony
Narela, New Delhi 110040.

..Applicant

(By Advocate: Shri R K Mirg)

Versus

1. The GNCT of Delhi
Through the Secretary
Ministry of Education, GNCT of Delhi
Old Secretariat, Delhi-1100
2. The Director of Education
Directorate of Education
GNCT of Delhi
Old Secretariat, Delhi-1100
3. The Regional Director of Education
(North West)
GNCT of Delhi
FU Block, Pitampura, Delhi-1100
4. The Deputy Director of Education
(North West), GNCT of Delhi
FU Block, Pitam Pura
Delhi-110011.
5. The Principal
Govt. Sr. Co-Ed Vidyalaya
Rani Khera, Delhi-81.

...Respondents

(By Advocate: Shri K M Singh)

O R D E R (ORAL)

The applicant is a retired Lab Assistant in Directorate of Education. On 20.02.2014, he started vomiting blood and became unconscious. He was shifted to empanelled Saroj Hospital and Heart Institute, Rohini. When his condition deteriorated on 21.02.2014, his family shifted him to Fortis Hospital from where he was finally discharged on 06.03.2014.

2. The grievance of the applicant is that the respondents have not passed his total bill claim of Rs.70,511/- raised by Saroj Hospital and Rs.2,64,593/- by Fortis Hospital but has been reimbursed only Rs.26,826/- against the Saroj Hospital bill and no payment was made for the Fortis Hospital expenditure as Fortis Hospital is not empanelled.

3. Learned counsel for the respondents states that since he had got admitted in Fortis Hospital which is not an empanelled hospital, the rules do not permit reimbursement of the amount. Similarly, out of the total bill of Rs.70,511/-, paid by the applicant at Saroj Hospital, the admissible amount of Rs.26,826/- has been paid.

4. I have perused the medical reports. The applicant was admitted to the hospital in a very serious condition. His blood pressure was low at 80/50. He was vomiting blood. In such a situation, any family member would get scared as it was a question of life and death and the family members shifted him to Fortis Hospital. In such a case, denying the genuine expenditure

incurred by the Govt. servant, would be unfair. The respondents in their counter are not denying the fact that this ailment did take place or that it is a case of fraudulent claim.

5. In view of this, I allow this OA and direct the respondents to release the payment of Rs.43,649 (remaining amount out of the total bill of Rs.70,511/- raised by the Saroj Hospital) + Rs.2,64,593 (raised by the Fortis Hospital), to the applicant within a period of sixty days from the date of receipt of a copy of this order.

(P.K. Basu)
Member (A)

/vb/