

**Central Administrative Tribunal
Principal Bench**

OA No.4215/2018

New Delhi, this the 19th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. D. Mathew
Aged about 73 years,
Group 'A',
S/o Late K. Daniel
R/o Flat No.408, Arjun Apartment,
Plot No.8C, Sector-7, Dwarka,
New Delhi 110 075. Applicant.

(By Advocate : Shri D. S. Chaudhary)

Vs.

Bharat Sanchar Nigam Limited
Through its Chairman-cum-Managing Director
Bharat Sanchar Bhavan, H C Mathur Lane,
Janpath, New Delhi 110 001. ... Respondent.

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant retired as an employee in the BSNL. It is stated that on 21.05.2017, he met with an accident, resulting in fracture to left leg. He took treatment at Ayushman Hospital at Dwarka, Delhi. He is covered by the health scheme formulated by the BSNL.

2. The applicant submitted representation dated 07.07.2017 for reimbursement of Rs.1,12,519/- The BSNL considered the same and reimbursed a sum of Rs.32,358/- as

per the CGHS rates. Thereafter, he made a representation for reimbursement of remaining amount. Through letter dated 30.05.2018 (wrongly mentioned as 30.05.2016), the respondents informed the applicant that in case an employee covered by the Scheme undergoes treatment in a non-empanelled hospital, he will be entitled to be reimbursement on CGHS rates, and since such a reimbursement was done, the applicant is not entitled for any further amount. The same is challenged in this OA.

3. We heard Shri D. S. Chaudhary, learned counsel for the applicant, at length at the stage of admission itself.

4. It is not in dispute that the applicant is a retired employee of BSNL, and that he is covered by the Scheme framed by it. The procedure for reimbursement is issued vide a Memorandum dated 23.08.2006. In the context of reimbursement for indoor treatment from non-empanelled hospitals, Clause 3.0 (vi) provides for as under:-

“(vi) Retired employee or his dependent may take indoor treatment from non-empanelled hospitals only in cases of emergency. The designated officer in BSNL may be informed as early as possible regarding such treatment being taken in non-empanelled hospitals. However, reimbursement shall be restricted to prevailing CGHS rates only after due verification.”

The respondents did not dispute the factum of the applicant undergoing treatment in a non empanelled hospital. The applicant, however, wants the reimbursement to the extent of

the entire bill. We do not find any basis for that. The Scheme cannot be ignored. The concerned clause is not even challenged.

5. At the stage of arguments, learned counsel for the applicant submitted that the CGHS rates have been revised and reimbursement was not done as per those rates. If that be so, it shall be open to the applicant to make a representation duly indicating the revisions. On such application being made, the respondents shall verify as to whether the rates have been revised at all, and if so, whether they are applicable to the case of the applicant, and pass orders.

6. The OA is accordingly disposed of. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/