

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.1809/2016

Thursday, this the 10th day of May 2018

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

Chander Singh
Aged about 67 years
s/o Shri Prabhu
r/o VPO Dighal Panna Malayana
District Jhajjar – 124107 (Haryana)
Designation : Retired as Sub Inspector

..Applicant

(Mr. S N Sharma, Advocate)

Versus

1. GNCTD through its Chief Secretary
Delhi Secretariat
New Delhi – 110 013
2. The Commissioner of Police
Police Headquarters
ITO, New Delhi
3. The Secretary
Ministry of Health & Family Welfare
Department of Health
Govt. of India, Nirman Bhawan
New Delhi – 110 001

..Respondents

(Mr. B N P Pathak, Advocate for respondent Nos. 1 & 2 –
Mrs. Sumedha Sharma, Advocate for respondent No.3)

O R D E R (ORAL)

The applicant retired from Delhi Police from the post of Sub Inspector on 31.03.2009. His wife, late Mrs. Omal Devi, was admitted in Medanta – The Medicity, Global Health Pvt. Ltd. Hospital, Gurgaon in an emergency condition. She remained hospitalized from 05.02.2016 to 12.02.2016. She died on 12.02.2016 in the hospital itself. The hospital has

presented a medical bill of ₹4,74,995/-. The applicant applied for medical reimbursement to CGHS authorities. He, vide impugned Annexure A-1 (colly.) letter dated 26.04.2016, was informed by the CGHS authorities that since he is not holding a CGHS card and is receiving fixed monthly medical allowance of ₹500/-, his claim for medical reimbursement cannot be considered. This letter also advises him to contact his parent Department for further necessary action in the matter. The applicant accordingly approached his parent Department, i.e., Commissionerate of Delhi Police, who, vide Annexure A-1 (colly.) letter dated 03.05.2016, pointed out certain discrepancies in the medical claim and did not grant the medical reimbursement.

Aggrieved by the communication received from the Office of the Commissioner of Police, Delhi and the CGHS authorities, the applicant has approached this Tribunal in the instant O.A. praying for the following main reliefs:-

“(a) Quash the impugned letters dated 26.4.2016 and 03.05.2016 so passed by the respondents.

(b) Direct the respondent to re-imburse all the medical expenses for the treatment of the Applicant’s wife.”

2. The respondents have filed their separate counter replies, in which the stand taken is that since the applicant is not a CGHS card holder and hence he cannot be extended the facility of medical reimbursement.

3. Heard the learned counsel for the parties.

4. Recently, this Tribunal in **Shiv Ram Singh Naulakha v. Union of India & others** (O.A. No.1731/2016) vide order dated 04.05.2018, has granted certain reliefs to the applicant therein. It is stated in that said order that even though the applicant therein had not become a CGHS card holder immediately after his retirement, but he can now be granted liberty of becoming a CGHS card holder by paying the prescribed subscription fee. It is directed in the order that after the applicant becomes a CGHS holder, his pending medical reimbursement claim(s) should be settled by the CGHS authorities treating him as a CGHS card holder since his retirement. Relevant portion of the said judgment is reproduced below:-

“6. I have given my thoughtful consideration to the arguments of the learned counsel for the parties and have also perused the pleadings. Indisputably, the OM dated 05.06.1998 (Annexure A-10) of the Ministry of Health and Family Welfare provides for one time option to a Central Government pensioner to opt for medical coverage under CGHS or under the Central Services (Medical Allowances) Rules, 1944. Since the applicant has been residing at Mathura, which is a non-CGHS covered city, he had Hobson’s choice of remaining satisfied with the FMA. However, due to his frailing health and that of his wife, he felt that the CGHS coverage is required for them. Accordingly, vide his Annexure A-3 letter dated 09.10.2015, he wrote to respondent no.3 for getting him covered under the CGHS Scheme and to get a CGHS card issued to him. He has also volunteered to pay the CGHS subscription fee, which apparently is Rs.25,000/-. As the luck would have it, before this request could translate into a concrete action at the end of the respondents, the applicant suffered heart-attack and had to avail treatment at the nearby speciality hospital, viz. Pushpanjali hospital, Agra. For his hospitalization from 06.11.2011 to 11.11.2011 and for undergoing ”CAG and Primary PTCA+stent to LAD”, medical expenses of Rs.2,34,344/- has been incurred as per the Annexure A-5 medical bills of the hospital dated 11.11.2015. It is understandable that as on date, as the things stand, the respondents could not have granted him reimbursement of the medical expenses. However, considering his case with sympathy and empathy, I am of the view that the applicant deserves financial assistance from the Government by way of medical reimbursement. The judgment of the Jodhpur Bench of the Tribunal in Vinod Kumar Bohra (supra) also supports the case. I also feel that the request of the applicant vide his

Annexure A-3 letter dated 19.10.2015 for granting him CGHS coverage needs to be taken to its logical end.

7. Accordingly I allow the OA in the following terms:

- i) The respondents shall reimburse the medical expenses of Rs.2,34,344/- incurred by the applicant at Pushpanjali Institute of Cardiac Sciences, Agra on his treatment within a period of six weeks from the date of receipt of a copy of this order.
- ii) The respondents are further directed to process the request of the applicant for CGHS benefits with reference to his Annexure A-3 letter dated 19.10.2015 and issue him a CGHS card within a period of two months from the date of receipt of a certified copy of this order. The applicant shall pay the requisite CGHS subscription fee.”

5. Learned counsel for the parties are *ad idem* that this O.A. could be disposed of in terms of the aforesaid judgment of the Tribunal.

6. Accordingly, this O.A. is disposed of in terms of **Shiv Ram Singh Naulakha** (supra). The CGHS authorities shall entertain the application of the applicant for CGHS card and issue him the card after receiving the requisite subscription fee from him. The applicant shall apply for such card within four weeks from today. The CGHS authorities shall issue the CGHS card to him within four weeks thereafter.

There shall be no order as to costs.

(K.N. Shrivastava)
Member (A)

May 10, 2018
/sunil