

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.3349/2016

NEW DELHI THIS THE 2nd DAY OF MAY, 2018

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Gagandeep Chawla, aged about 37 years,
S/o Smt. Asha Devi Chawla(since deceased)
R/o C-4/E-127, Janak Puri,
New Delhi-110058.
M: 9582033873

...Applicant

(By Advocate: Mr. B.L. Wanchoo)

VERSUS

1. Union of India through its Secretary, Govt. of India, M/o Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The Additional Director & Director General (CGHS), M/o Health & Family Welfare, Nirman Bhawan, New Delhi. ...Respondents

(By Advocate: Mr. Vijendra Singh)

:ORDER (ORAL):

This OA was filed by Smt. Asha Devi Chawla on 26.09.2016.

During the pendency of the OA, she died and her son Shri Gagandeep Chawla, being legal heir, has been brought on record. He filed amended memo of parties.

2. The factual position of the case is that Shri Madan Lal Chawla (husband of late Smt. Asha Devi Chawla and father of Gagandeep Chawla) was working as a Senior Telegraphist in the Department of Telecommunications. He took voluntary

retirement in the year 1987 and was getting his regular pension. He was to undergo surgery for implantation of CRT-D (Combo Device). He approached the respondents seeking permission for the said surgery at Medanta The Medicity Hospital, Gurgaon (Medanta Hospital, in short) since he was a CGHS beneficiary. The respondents permitted him and sent a letter dated 25.03.2013 (Annexure A-2) to the Medical Superintendent of the said hospital. The permission letter *inter alia* stated as under:-

“Permission For:- CRT-D (Combo Device) implantation(as per lowest estimate of Rs.6,82,500/- and Procedure and other charges are as per CGHS rate or AIIMS rates/actual whichever is less)”

3. Shri Chawla underwent the surgery at Medanta Hospital. He was discharged on 04.04.2013. He died on 13.02.2016. At the time of his admission in the hospital, the respondents had deposited the amount of Rs.6,82,500/- in the hospital towards his treatment. The hospital presented a total bill of Rs.7,85,305/-. Smt. Asha Devi Chawla, wife of deceased Shri Madan Lal Chawla followed the claim for reimbursement with the respondents. Finally, vide their Annexure A-1 order dated 29.04.2016, the respondents sanctioned additional amount of Rs.9361/ over and above the amount already deposited by them in the hospital, leaving a balance of Rs.55,484/-. Being aggrieved, Smt. Asha Devi Chawla approached this Tribunal in the instant OA with her claim that respondents are obliged to reimburse the balance

amount of Rs.55,484/-also. She has prayed for the following reliefs:-

- “8.1 To direct the respondents to pay an amount of Rs.55,484/- (Total claim of Rs.64,845-9361/- paid vide letter dated 29.04.2016).
- 8.2 To direct the respondents to pay interest @12% on the outstanding amount till actual payment.
- 8.3 To direct the respondents to pay compensation of Rs.50,000/- for harassment, mental agony and financial hardship applicant’s husband has undergone till his death.
- 8.4 To pass any other order or orders, direction or directions as deemed fit in the facts and circumstances of the case so as to meet the ends of justice.
- 8.5 To allow this OA with heavy cost, because the applicant has been dragged into avoidable litigation.”

4. Pursuant to the notice, the respondents filed their reply wherein, *inter alia*, they have stated that the reimbursement has been regulated under the CGHS in terms of the O.M. dated 11.3.1993 issued by Ministry of Health and Family Welfare (page 61 Annexure R-1) wherein it is clearly stipulated that “where the expenditure on treatment exceeds the limit fixed by the Ministry, the contribution may be met by the beneficiary from his own resources”. It is thus pleaded that in terms of the Sanction Order dated 25.03.2013, the respondents were justified to limit the reimbursement strictly in accordance with O.M. dated 11.3.1993.

5. Shri B.L. Wanchoo, learned counsel for the applicant argued that the applicant had no control over the medical bill of the hospital and that the amount has been claimed strictly as per the medical bill of the hospital and thus the applicant was entitled for full reimbursement of the medical bill. He also placed reliance on the judgment of the Hon'ble Delhi High Court in WP(C) No.770/2003.

6. I have gone through the pleadings of the parties and perused the relevant documents.

7. From the record, it would reveal that late Shri Madan Lal Chawla was admitted to Medanta Hospital for implantation of CRT-D (Combo Device) not in an emergency condition. The petitioner qua the judgment of Hon'ble Delhi High Court, referred to hereinabove, was admitted to the hospital in an emergency condition. In the instant case, Shri Madan Lal Chawla was not admitted in the Medanta Hospital in emergency condition. Hence, reimbursement of his medical expenses would be strictly governed as per order dated 25.03.2013. Thus any excess amount incurred over and above the limit mentioned in the order dated 25.03.2013, now to be borne by the beneficiary.

8. In view of the above, I do not find any merit in the OA. It is dismissed accordingly. No costs.

**(K.N. Shrivastava)
Member (A)**

/jk/

