

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

O.A.No.4183/2016

Monday, this the 23<sup>rd</sup> day of July 2018

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

Shri S K Gujrati, aged 85 years, Group A  
s/o late Shri S S Gujrati  
retired Chief Mechanical Engineer (Planning)  
South Eastern Railway, Garden Reach  
Kolkatta (West Bengal)  
r/o Flat No.D-129, Rohit Coop,  
Group Housing Society,  
Plot No.30, Sector 10, Dwarka  
New Delhi – 110 075

..Applicant

(Dr. Mr. Bhagwan Singh, Advocate)

Versus

1. Union of India through  
The Chairman Railway Board  
Ministry of Railways, Rail Bhawan  
New Delhi
2. The Director General (Railway Health Services)  
Railway Board, Ministry of Railways  
Room No.348, Rail Bhawan, New Delhi – 110 001
3. The General Manager  
Northern Railway Headquarters Office  
Baroda House, New Delhi – 110 001
4. The Chief Medical Director  
Northern Railway Headquarters Office  
Annexe-II, Baroda House, New Delhi – 110 001
5. The Chief Medical Supdt.  
Northern Railway  
Near Old Delhi Railway Station  
Delhi

..Respondents

(Mr. Shailendra Tiwary, Advocate)

## **O R D E R (ORAL)**

The applicant is a senior citizen. He is 88 years old. He was working as a Group 'A' officer in the respondent – railway department. He joined

the department in the year 1957 and retired in February 1989 from the post of Chief Mechanical Engineer (Planning), South Eastern Railway. After his retirement, he became a member of Retired Employees Liberalised Health Scheme (RELHS). He was residing at Model Town, New Delhi and was receiving medical facilities at old Delhi main dispensary. His wife died of cancer on 11.07.2012. As he was residing alone, his son, who lives at Dwarka, New Delhi, shifted him to Dwarka after the death of applicant's wife, and he has since been residing with his son. He developed some severe problem in his right knee and it is stated that in a serious condition he was taken on his own to Primus Super Speciality Hospital, Chanakya Puri, New Delhi on 04.10.2012 where his right knee was replaced through surgery. The hospital presented a bill of ₹2,85,397/-. His claim for reimbursement has not been considered by the railway department on the ground that the treatment availed for knee replacement was not under any emergency condition.

2. Heard learned counsel for the parties today. Admittedly, the applicant has undergone knee replacement surgery at Primus Super Speciality Hospital, New Delhi, on which he has incurred an amount of ₹2,85,397/-. Learned counsel for applicant argued that the said hospital is Central Government Health Scheme (CGHS) empanelled hospital and as such, full reimbursement of the expenditure incurred by the applicant should have been granted by the railway department to him.

3. Mr. Shailendra Tiwary, learned counsel for respondents, on the other hand, argued that the applicant was suffering with knee problem due to old age and it cannot be said that he was taken to Primus Super Speciality

Hospital, Chanakya Puri, New Delhi in emergency condition, where right knee replacement surgery was done on him. He further stated that medical benefits can be extended only in terms of RELHS and that Primus Super Speciality Hospital is not on the panel of railways.

4. Undisputedly, the applicant was requiring right knee replacement surgery, which was performed at Primus Super Speciality Hospital of his choice. No doubt, this hospital is not covered under RELHS but then the applicant is at least entitled for getting reimbursement to the extent of limit for such surgery prescribed under the RELHS.

5. Mr. Tiwary, learned counsel for respondents submitted that reimbursement, in such cases, is done up to the limit prescribed under the CGHS after it is established that the patient was taken to a non-empanelled hospital.

6. I have given my thoughtful consideration to this matter. As informed by learned counsel for applicant, Primus Super Speciality Hospital is a CGHS empanelled hospital. The CGHS patients must be getting knee replacement done at the said hospital, for which some definite rates have been prescribed for reimbursement, as agreed to between the hospital and the Ministry of Health & Family Welfare.

7. I, therefore, direct the respondents to grant medical reimbursement to the applicant to the extent of the prescribed CGHS rates for Primus Super Speciality Hospital, Chanakya Puri, New Delhi.

8. Accordingly, this O.A. stands disposed of. No costs.

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

**July 23, 2018**  
/sunil/