

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

OA/21/824/2017

Date of Order : 18.06.2018

Between :

Bhanudas Tukaram More,
S/o. late Shri Tukaram Laxman More,
Aged about 53 years,
Occ: Scientific Officer-C,
R/o. Qtr. No.D2-3/3, Door No.15,
HWP (M) colony, Gautaminagar P.O.,
Nagarjuna Street, Aswapuram,
Bhadradri – Kothagudem Dist.,
Telangana – 507 116.

... Applicant

And

1. The General Manager,
Heavy Water Plant, Manuguru,
Gautaminagar P.O, Aswapuram,
Bhadradri-Kothagudem District.
Telangana – 507 116.
2. Union of India rep. by its Secretary,
Dept. of Atomic Energy,
Anushakti Bhavan, CSM Marg,
Mumbai – 400 001.

... Respondents

Counsel for the Applicant ... Mr. Bhanudas Tukaram More, P-I-P
Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ... Judl. Member

ORAL ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard Shri Bhanudas Tukaram More, Party-in-Person and Shri V. Vinod Kumar, learned Senior Central Government Standing Counsel appearing for the Respondents.

2. The Applicant filed the O.A. seeking a direction to the Respondents to reimburse the amount of Rs.3300/- together with interest @ 12% p.a. from the date of his claim till the date of payment. Nextly, to fix the responsibility and to take appropriate action against the persons who are responsible for non-reimbursement of the room rent charges for more than two years and to pay compensation of Rs.60,00,000/- for the mental agony/ torture and suffering caused to him by not reimbursing the amount.

3. The brief facts are that the Applicant is working as Scientific Officer 'C' in the 1st Respondent department. His wife Mrs. Shaila Bhanudas More admitted for confinement/ delivery in M/s. Jayabharathi Multispeciality Hospital, Bhadrachalam which was the panel hospital of Heavy Water Plant, Manuguru, for short – HWPM, on 19.7.2013 by Admission Memo dated 16.7.2013 issued by HWPM Hospital (Annex.A-I). She was discharged from the hospital on 23.7.2013 after completion of treatment. After discharge of his wife, the Applicant submitted a reimbursement claim dated 7.8.2013 for Res.8333.79 in the HWPM hospital. But out of the said amounts, Rs.4725/- was reimbursed to him in

the month of September 2013 by the department and when he made inquiries with the department, he came to know that the room rent charges Rs.3300/- were not reimbursed by the department . On that he submitted representation dated 9.10.2013 for reimbursement of Rs.3300/-. There was no response from the department. After waiting for eight months, he submitted letter dated 28.6.2014. There was no reply. Again he submitted another letter dated 13.2.2015. It is submitted by the Applicant that he was humiliated and insulted without reimbursing the amount he claimed and by not even answering his representations. Thereafter he represented the matter to Dr. R.K. Sinha, Secretary to Govt. of India, Dept. of Atomic Energy by letter dated 22.8.2015. On his representation, an amount of Rs.635/- was released to the Applicant instead of R.3300/- vide letter dated 21.10.2015. Again he submitted another representation to the Secretary to Govt. of India to direct the Respondents to pay the room rent charges of Rs.300/- with interest @ 12% p.a.

4. The contention of the Applicant is that collecting room rent charges by the hospital directly from him is contrary to Rules and the department ought to have taken action against the hospital. As his claim was not settled by the department, he filed the present O.A. praying for the aforementioned reliefs.

5. The Respondents in their reply statement contended inter-alia as

follows:

The Applicant was drawing pay of Rs.25520/- at relevant time and was entitled for Semi Private Accommodation. However, in the Annex.A-I Admission Memo dated 16.7.2013, it was erroneously indicated as 'Single Room' instead of 'Semi Private Ward.' It is also submitted while issuing another Admission Memo vide OP/IP dated 23.7.2013, the category of accommodation was correctly written as 'Semi Private Ward' as per his entitlement. The room rent charges of Rs.3300/- were not allowed as the amount has to be claimed by the hospital but not by the Applicant directly. It is further submitted by the Respondents that wherever in-patient treatment is availed from a referral hospital, the cost of the treatment was to be claimed by the referral hospital. But in the instant case, the Applicant paid the amount instead of the hospital claiming the amount from HWPM. Nextly it is submitted that on scrutiny of the documents relating to the settlement, an amount of Rs.850/- was paid in excess to M/s. Jayabharathi Multispeciality Hospital towards room rent which was intimated to Accounts Section, HWPM for immediate recovery from the bills of said hospital. As regards the bill it is submitted by the Respondents that on account of the procedure, which is a deviation of the existing procedure, adopted by the Applicant by paying directly to the hospital and trying to take advantage of the error in mentioning the entitlement category of accommodation while issuing the Admission Memo dated 16.7.2013. It is

further submitted that the reimbursement of Rs.635/- towards room rent of Rs.127/- per day for five days has been made to the Applicant as per his entitlement against his claim for higher accommodation charges of Rs.3300/-. According to the Respondents, the claim of the Applicant for payment of Rs.3300/- with 12% interest and compensation of Rs.60,00,000/- is inappropriate and not admissible. Thus, according to the Respondents, without the permission of the department the Applicant availed accommodation for which he is not entitled and has paid to the hospital for which the department is not responsible. Therefore, the Respondents contended that the Applicant is not entitled for any reliefs prayed for in the O.A. and they sought to dismiss the O.A. with costs.

6. Heard Mr. Bhanudas Tukaram More, the Applicant appearing in person and Mr. V. Vinod Kumar, learned Senior Central Government Standing Counsel appearing for the Respondents.

7. Rule 6.2 & 6.3 of Contributory Health Services Scheme (CHSS) reads as follows:

“6.2 All the facilities for the proper medical treatment and diet shall be provided free of charge at the BARC Hospital. Payment to the recognized hospitals/ nursing homes on account of treatment of beneficiaries will be made by BARC directly on receipt of bills from the hospitals/ nursing homes

concerned. Recovery of inadmissible charges, if any, will be made from the employee.

6.3 If after obtaining a reference from CHSS, a beneficiary admits himself/ herself on his/ her own initiative to an accommodation higher than his/ her normal entitlement, the entire bill of the nursing home / hospital shall be first paid by the employee who may claim reimbursement from CHSS for that portion of the bill which would fall within his/ her normal entitlement for accommodation as well as other allied charges. Head, Medical Division, BARC may, for special reasons to be recorded in writing, approve reimbursement in excess of the normal entitlement.”

8. In the instant case, the Applicant admitted his wife into M/s. Jayabharathi Multispeciality Hospital. On that the hospital claimed more amount of room rent from him and he paid directly to the hospital at the instance of the hospital authorities. On 16.7.2013 Admission Memo was issued by the department (Annex.A-I) according to which the patient whose particulars are given in the memo has to be admitted to hospital immediately. The bill in respect of the patient hospitalization shall be sent to the Accounts Officer, HWPM and the department itself will directly pay the amount to the hospital. However, in case of emergency, the patient can be directly admitted to the hospital pending issuance of Admission Memo by the department. But the crucial issue is that a patient is entitled for reimbursement of the amount if he is entitled for the same under the Rules. The burden to establish that the Applicant is entitled for the claimed amount under the Rules is on him. Learned counsel for the Respondents filed statement showing the tariff for Gynaecology Services w.e.f.

01.10.2012. According to the statement, the bed charges for semi special room for which he is entitled are Rs.127/- per day. However, by mistake in their Admission Memo, the Respondents directed the hospital authorities to provide special room to the applicant's wife for which the charges per day are Rs.190/-. According to the Respondents as mentioned in their counter, by mistake they mentioned it as a special room but as per the cadre of the Applicant, his wife is entitled for semi-special (sharing) room. However, it is submitted by the learned Standing Counsel for the Respondents that even though the Applicant is entitled for semi special room rent for which is Rs.127/- per day, the Respondents paid an amount of Rs.190/- per day to the hospital as they mentioned initially in the Admission Memo that Special Room can be provided to the Applicant's wife. Thus, according to the learned counsel appearing for the Respondents, an amount of Rs.850/- was reimbursed to the Applicant. But as regards the amount, it is the version of the Applicant that the entire amount of Rs.3300/- paid by him shall be reimbursed to him as he is entitled for the same in view of the fact that the hospital collected the said charges from him directly. In this context, it requires to be stated that when there is a referral letter from the department, the hospital authorities are required to provide the facilities as required in the referral letter because the department undertook to pay the amount for the facilities to which the Applicant is entitled under the Rules. The Applicant also alternatively contended that the hospital authorities illegally

collected some amount from him and, therefore, responsibility has to be fixed to take appropriate action against the erring officials of the hospital or the department.

9. In this context, it is necessary to refer to Annex.A-12 which relates to reimbursement of medical expenses. It shows that the department examined the claim of the Applicant and replied to him stating that he is entitled to semi private accommodation and accordingly room rent worked out to Rs.635/- and reimbursed by HWPM and accordingly the Respondents disposed of the representation though there is some delay. The Respondents brought to the notice of the Tribunal the rules regarding the entitlement of the Applicant for medical reimbursement according to his status. Since the applicant made a claim, as already said, the burden is on him to establish that he is entitled for the amount of Rs.3300/- as room rent charges. But in the present O.A., he failed to discharge the said burden. If the panel hospital i.e. M/s. Jayabharathi Multispeciality Hospital illegally collected huge amount of room rent from him, the remedy for the Applicant is to seek appropriate action against the said hospital in the appropriate forum. Having paid the room rent which is in excess of his entitlement, the Applicant cannot seek reimbursement from the department. The Applicant claimed Rs.60,00,000/- as compensation for not disposing of his representations for a period of about three years. The answer by the Respondents is that since he paid directly to the hospital contrary to the

procedure, there was some correspondence which resulted in some delay in disposing the representation. In any event, the Applicant, basing on an untenable claim, cannot claim huge compensation of Rs.60,00,000/- from the department. The Applicant also did not state in the O.A. as to how he has arrived at the amount of such huge compensation to be paid by the department.

10. For the foregoing reasons, the O.A. is devoid of any merit and is accordingly dismissed. No order as to costs.

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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