

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH

Original Application No 050/00077/2016

Reserved on 18.01.2018

Pronounced on _ 19.01.2018

CORAM :

Hon'ble Shri Jayesh V. Bhairavia, Member (J)

1. Sarwat Jahan Fatema, wife of late Md. Nasim Ahmed, Address-305, Sharf Apartment, Frazer Road, Opposite Doordarshan Patna.

.....Applicants

By Advocate : Shri P.R. Singh

VERSUS

1. The Union of India through the Secretary Department of Personnel and Training, Government of India, New Delhi.
2. The Secretary, Department of Information and Broad Casting, Government of India, New Delhi.
3. The Director General, Prasar Bharti.
4. The Director General, Doordarshan Bhawan, Copernicus Marg, New Delhi.
5. The DDA (S-IV) Officer of Director General, Doordarshan New Delhi.
6. The Deputy Director, Doordarshan Kendra, Patna.

....Respondents

By Advocate : Shri H.P.Singh

ORDER

Per Jayesh V. Bhairavia, Member (J): In the instant O.A , the applicant sought reliefs for a direction to the respondents to reimburse the medical expenses incurred upon for treatment of her husband.

2. The learned counsel for applicant submitted that the husband of the applicant that the husband of the applicant who was working as Sr. Engineer Assistant at Doordarshan Kendra, Patna. On 20th February 2014 the husband of the applicant late Nasim Ahmed was on duty from 01 P.M. to 09 P.M at that time all of a sudden he fell down and become unconscious. With the help of office staff of Doordarshan Kendra Patna he was admitted in nearest hospital i.e Ruban Hospital situated at S.P. Verma Road, Patna. On receiving the message the applicant reached to the said hospital. After

the city scan performed by the said hospital it was found that the husband of the applicant was suffering from brain hemorrhage. (Annexure A/1 & A/2 refer).

3. It is further submitted that there is no hospital approved by the CGHS with specialization of Neuro Problems and on the advice of doctors as well as officials of Doordarshan Kendra, Patna, with a view to save the life of the husband of the applicant he was taken to Udayan Hospital, Boring Canal Road, Patna at about 08 P.M. on 20.02.2014 for specialized treatment. The said Hospital had given provisional estimate of Rs.7,45,000/- to be incurred upon the treatment. (Annexure A/3 refers). The applicant had submitted an application to the Deputy Director , Doordarshan Kendra, on 21.01.2014. (Annexure A/4 refers) and requested to grant advance amount for medical treatment of her husband. In response to it, the respondents had Paid Rs.2,00,000/- (two lacs) by cheque to the said Hospital for the treatment of husband of the applicant on 24.02.2014. (Annexure A/5 refers). It is further submitted that from 20.02. 2014 to 06.03.2014 the husband of the applicant was under treatment in the said hospital, he was operated and unfortunately on 06.03.2014 he died in the hospital. The applicant had incurred total Rs. 6,12,314/- towards medical expenditure for the treatment of her husband, and accordingly the bill of hospital have been submitted for reimbursement to the respondents. However, the respondents have sanctioned only Rs.2,30,472/- therefore the remaining due amount required to be paid to the applicant.

4. It is further submitted by the I/c for applicant that the husband of the applicant was admitted in the hospital as emergency and to save his life was admitted in a private hospital due to non-availability of Neuro Surgery facility in the CGHS Hospital i.e Ruban emergency hospital and he was shifted to the Udayan Hospital for immediate treatment for Neuro Surgery, there he was operated however subsequently he died on 06.03.2014. Therefore, as per the GOI, OM dated 28.08.1992 issued by Ministry of Health & Family Welfare, the applicant is entitled to claim total reimbursement of medical treatment/expenditure of her husband. (Annexure A/10 refers). The applicant

has relied upon bills issued by the respective hospitals which are produced alongwith this O.A. Therefore, non-reimbursement of total medical expenditures bills by the respondents the applicant has no other alternate efficacious remedy hence this O.A.

5. The respondents have filed their written statement and denied the contention of the applicant with regard to claim of reimbursement of medical bills. The I/c for respondent Shri H.P. Singh has submitted that as per the all admissible medical bills have been reimbursed as per the CGHS approved rates. The I/c for respondents drawn attention to this Tribunal on Annexure R/2 OM dated 31st May 2012 issued by the GOI, Ministry of Health & Welfare and stated that medical treatment undertaken by the government employee the “the package rate i.e cost of medical treatment prescribed is applicable for reimbursement of medical treatment. (Annexure A/2 refers). It is further submitted that the respondents had considered all the medical bills submitted by the applicant has been considered thoroughly and sympathetically and as per the maximum limit prescribed under the OM as referred hereinabove, it was found that Rs. 2,30,742/- is permissible as against total amount of claim Rs.6,12,314/- . Accordingly, by considering the advance payment of Rs.2,00,000/- the remaining amount of Rs.30,742/- has been already paid to the applicant. Therefore, in total Rs.2,30,742/- has been paid to the applicant in accordance with existing rules and as such no amount can be further sanctioned and there is no due as on today.

6. The applicant has filed rejoinder to the written statement dated 18.01.2018 and reiterated all the contention.

On the other hand, the I/c for respondents submitted that in spite of having all sympathy with the applicant, the respondents cannot do much beyond the prescribed medical rate for reimbursement under the provisions of rules and directions stated in the O.M. dated 31st May 2012 which is applicable in the case of applicant.

7. Heard the parties and perused the records and considered the submissions of the counsels for both the parties. The services conditions of all Central Government Employees are governed under the service rules as well as rules made of welfare of said employees. As per the GOI, OM dated 31st May 2012, the schedule of charges for the treatment of central government employees and the members of their family has been approved under C.S (MA) Rules 1944 and the said schedule of charges applicable for reimbursement of medical expenditures of the concerned government employee. In the present case, it reveals from the records that the respondents has considered the medical claim reimbursement of the applicant for medical treatment of late husband Mr. Nasim Ahmed, Ex. SEA, DDK, Patna as per CGHS rate, applicable at Patna. (Annexure R/2 series refer). I am of the opinion that the consideration of claim of medical reimbursement is in order in accordance with the existing applicable CGHS rate therefore, no additional amount can be permissible under the said rules as stated hereinabove. Hence; the relief prayed for in this O.A is denied and accordingly the same is rejected. No costs.

(Jayesh V. Bharavia)

Member (Judl.)

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