

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

Original Application No. 21/1066/2018

Reserved on: 20.02.2019

Pronounced on: 21.02.2019

Between:

M.S.S. Ramachandra Murthy,
S/o. late Suryanarayana Murty,
Aged about 67 years, Hindu,
Retired Personnel Assistant to DGM (Marketing), Gr. B,
HMR Pride, 2nd Floor, F. No. 202, Manjeera Pipeline road,
Madinaguda, Hyderabad – 500 049.

... Applicant

And

1. The Union of India, Rep. by its Secretary,
(Department of Telecom),
20 Ashoka Road, Sanchar Bhavan,
Govt. of India, New Delhi – 110001.
2. The Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office, Personnel Branch – II,
4th Floor, Janapath, New Delhi -110001.
3. The Chief General Manager,
Telecom, Abids, Door Sanchar Bhavan,
Telangana Circle, Nampally, Hyderabad.

... Respondents

Counsel for the Applicant ... Party in Person

Counsel for the Respondents ... Mrs.K. Rajitha, Sr. CGSC
Mr. M.C. Jacob, SC for BSNL

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The applicant has filed this OA claiming that there has been discrimination in passing of inpatient bill raised when treated by an empanelled and a non empanelled hospital.
3. Brief facts are that the applicant, who is a retired employee of the respondents organisation, was admitted on 13.4.2017 in non empanelled hospital

for cardiac ailment calling for urgent medical attention. Subsequently the respondents were informed of the admission and that after the treatment a medical claim for Rs.1,56,367/- was made. Respondents have passed the bill for Rs.82,723. Applicant represented on 2.7.2018 for full payment of medical bill. Respondents informed that the bill was passed as per CGHS (Central Govt. Health Scheme) rates. Aggrieved over the same, OA has been filed.

4. The contentions of the applicant are that there is discrimination in passing of bills when treatment is taken in empanelled and non empanelled hospitals. Articles 14, 21 and 300-A of the Constitution of India have been violated. Respondents failed to take into cognizance the observations of Apex Court in *Shiv Kant Jha v Union of India*.

5. Respondents inform that BSNL has formulated a scheme called Medical Reimbursement Scheme (MRS) on 23.8.2006 to enable serving and retired employees to seek medical facilities. BSNL empanels hospitals based on an agreement wherein rates and the conditions of reimbursement are agreed to. Employee can also take treatment from non empanelled hospitals during emergency but the reimbursement will be restricted to CGHS rates. Applicant took in-patient treatment from 13.4.2017 to 17.4.2017 in a non empanelled hospital and as per CGHS rates the reimbursement was made to the extent of Rs.82,723 against a total claim of Rs.1,56,367. The Honourable Supreme Court judgment cited by the applicant is restricted to the said case only.

6. Heard the party in person and the Ld counsel for the respondents. Party in person has also submitted written arguments. Records and material papers submitted were gone through minutely. Those relevant to the issue in question were considered.

7. Respondents have come out with a specific MRS policy wherein if treatment is to be taken in non empanelled hospitals, CGHS rates would be applied to pass a medical claim made. Respondents obviously do not have control over rates charged by non empanelled hospitals and hence they have adopted Central Govt. Health Scheme rates. CGHS comes under the Ministry of Health & Family Welfare and hence, the rates fixed by CGHS are those of Govt. of India. Thus, no bias can be attributed to the respondents on the ground that they have discriminated in regard to passing of bills when treatment is taken in empanelled and non empanelled hospitals. As the applicant has taken treatment in Hyderabad, it would be proper and apt to apply the Hyderabad CGHS rates. The plea of the applicant that his medical bill has to be passed as per Delhi CGHS rates does not help his case as the bill was passed following the instructions contained in the OMs dated 23.12.2002, 7.2.2013 and 29.4.2014 issued by the nodal Ministry of Health and Family Welfare in regard to the amount to be allowed for investigation & procedure, Coronary Angio Plasty, stent which were the major elements involved in the Medical bill of the applicant. Medical reimbursement is a welfare measure. The respondents have been liberal and fair in evolving the MRS. As per the MRS and instructions of Min. of Health and Family Welfare bill has been passed. There is no discrimination as alleged. The Honourable Supreme Court judgment cited by the applicant does apply only to the applicant in the said case as appropriately pointed by the respondents. It does not provide any succour to the applicant. Therefore, there is no merit in the case and hence, the OA is dismissed with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 21st day of February, 2019

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