

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 2nd day of May Two Thousand And Nineteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

OA.310/1251/2018

D. Thiruvateeswaran,
L 13 A, Sarvamangala Colony,
Ashoknagar,
Chennai- 600 083.

...Applicant

(By Advocate: In person)

Versus

Union of India Rep. by
The Secretary, Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi- 110 108.

...Respondents

(By Advocate: Mr. S. Padmanaban)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard applicant in person. The applicant has filed this OA seeking the following relief:-

"to direct the respondents to appoint or identify immediately a local chemist for the CGHS, KK Nagar Wellness Centre for the supply of indented medicines within 2 or 3 days of prescription. The Tribunal may also be pleased to direct the respondent to ensure that all MRCs are settled within 30 days. It may also be pleased to award costs to the applicant who is 79 years old pensioner and cannot afford litigation."

2. It is submitted that the applicant is 79 years old and is being subjected to continuous harassment by the respondents every time he needs to seek medical attendance at the CGHS Wellness Centre. The medicines prescribed for him which need to be consumed immediately are often not available in the CGHS Wellness Centre leading to a delay in the commencement of treatment. When medicines need to be indented, there is no guarantee that the medicines would be made available within a specific time. Even when the medicines are allowed to be purchased from the open market, the respondents take up to six months or even more to settle the claim for reimbursement. Often the cost of securing reimbursement exceeds the cost of medicines as the beneficiary has to make several trips to the office, it is alleged.

3. It is further submitted that when the OA was filed, no local Chemist had been appointed by the CGHS Wellness Centre, KK Nagar for

indenting of medicines leading to further delay. Accordingly, the applicant had filed this OA. seeking the aforesaid relief.

4. On perusal, it is seen that this Tribunal by proceedings dated 12.10.2018 directed the Central Government Standing Counsel to obtain instructions and verify what steps had been taken by the respondents in regard to the e-mail communication of the applicant dated 28.08.2019. It was also directed that the status of compliance of the order of this Tribunal in OA 987/2006 dated 11.1.2007 with regard to the procedure for appointment of local Chemists be ascertained. Inspite of the said direction, the respondents have not filed any reply so far and, today, they are represented by a proxy counsel who is not familiar with the facts of the case.

5. On a pointed out query from the Bench, the applicant present in person submits that presently no medical claim of the applicant was pending with the respondents for reimbursement. However, the problem highlighted by him prevailed even now as non issue of prescribed medicines by the Wellness Centre even 2 to 3 days after the prescription date and delayed reimbursement every time after the claim is submitted continued to create hardship for the applicant and other similarly placed pensioner members of the CGHS. Accordingly, appropriate orders of the Tribunal are sought.

6. The applicant also produces a copy of the respondent Ministry's Office Memorandum dated 14.05.2018 by which medical claims not requiring special approvals have been directed to be settled and the payment

completed within 30 days of submission of the medical claim papers at the CGHS Wellness Centres.

7. Keeping in view the above submission and the instructions already issued by the respondent Ministry on the subject, I deem it appropriate to dispose of this OA with a direction to the respondents to ensure that medicines which are not available in the CGHS Wellness Centre but required for immediate consumption/application by the patients are allowed to be purchased from the open market by the patient. In such cases, when the reimbursement is claimed, the same shall be paid within the prescribed time limit of thirty days unless there is any specific objection regarding the claim which should be brought to the notice of the claimant within one week from the date of submission. Even in such cases, once the claim is re-submitted duly addressing the objections, it should be disposed of within a period not exceeding the time limit prescribed in the aforesaid OM of the respondents.

8. The OA is disposed of with the above direction. No costs.