

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 619/2003

Monday, this the 17th day of November, 2003

HON'BLE SHRI SARWESAWAR JHA, MEMBER (A)

Mangat Ram, Wireman
S/o Sh. Hukam Chand,
PWD, ED VII,
Under Yamuna Bridge,
I.S.B.T. Delhi

.....Applicant

(By Advocate: Sh. Sachin Chauhan).

VERSUS

1. Union of India,
Ministry of Urban Development,
Through its Secretary,
CPWD, Nirman Bhawan,
New Delhi
2. Director General (Works)
Ministry of Urban Development,
CPWD Nirman Bhawan, New Delhi
3. The Chief Engineer,
(PWD) Zone-III,
MSO, Building, IP Estate,
New Delhi

.....Respondents

(By Advocate: Mrs. Jasmine Ahmed)

O R D E R (ORAL)

Heard the learned counsel for the applicant as well as the respondents.

2. The applicant has impugned the orders of the respondents regarding non-reimbursement of the medical bills which he had submitted on the 6th June, 2001 and has prayed for the amount which he had spent for his own treatment received from the Escorts Hospital and Research Centre Limited, Faridabad, in an emergent situation.

3. It is observed that the applicant, as certified by the hospital authorities, was brought to the said hospital in emergency ward on the 12th May, 2001. They ~~xxx~~ finally

diagnosed the case as the one suffering for 15 days (back for 5-6 days) from Hiccough with constipation. They ~~xxxx~~ further certified that this required indoor treatment on an emergency basis. The applicant (patient) was discharged on 14.5.2001 ~~xxxx~~ with diagnosis of Hiccough with Acute Gastritis.

4. The applicant has submitted that when he was brought to the hospital he was in a serious condition and was accordingly admitted as an emergency case by the hospital. He should accordingly have been allowed the benefit of reimbursement of the medical expenses which he had incurred on his treatment in the said hospital for two days.

5. The respondents have, however, in the reply submitted that, ~~xxxx~~ observing from the diagnosis which the said hospital had finally given in the case of the applicant, the emergent nature of the case of the applicant is not established. Their submission is that the applicant could have gone to the authorised medical attendant, i.e., the Govt. hospital for treatment. The learned counsel for the respondents has also submitted that the fact that the applicant had been suffering from high fever for 15 days also gives rise to a question as to why the applicant could not have approached the Govt. hospital during that period for appropriate treatment instead of rushing to the Escorts Hospital which is a referral hospital and that he should have gone to that hospital only after having been referred by the Govt. hospital. She has also, in this connection, drawn my attention to the normal procedure that even in a CGHS covered area, the beneficiary first goes to the dispensary and only on being referred by the dispensary he or she goes to the



referral hospital. That being the case, in her opinion, it was not correct on the part of the applicant to have straightaway gone to the referral hospital, i.e., Escorts Hospital, as in the present case. She has also submitted that all the aspects of the matters have been examined while filing the detailed counter reply to this OA and, based on the examination of the facts, the case has not been accepted. The learned counsel for the respondents has also submitted that the applicant could have gone to the Escorts Hospital which is a referral hospital only after having ~~xxxx~~ obtained necessary permission from the competent authority in the respondents-organisation.

6. On a closer examination of the submissions of both the parties, it is observed that the competent authority has to decide the emergency or essentiality of the beneficiary approaching a referral hospital for first level treatment. The applicant should have first approached the authorised medical attendant, in this case the Govt. hospital. However, in the reply filed by the respondents it has not been mentioned as to whether such hospitals are there at the place where the applicant is staying. They have also not mentioned under what condition they have not found it possible to accept the certificate of the Doctors who have dealt with this case in the Escorts Hospital. It is also observed that the fact that the applicant was reported to be suffering from ailments like Gastritis which, according to the submissions of the learned counsel for the applicant, could turn out to be a serious thing for the life of a person, also has not been looked into or clarified by the respondents in the submissions. However, the fact remains that the subject



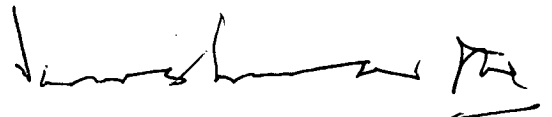
4

: 4 :

matter which has been dealt with in the submissions of both the sides, belongs to the realm of medical attendance which could be properly looked into by the appropriate authority. I am, therefore, of the view that the question regarding essentiality or emergency of the case can be best decided by the medical authorities keeping in view the circumstances under which the patient was taken to the hospital. That being the case, it would be appropriate that this matter is remitted to the respondents with a direction that they should reconsider the matter in consultation with the nodal authorities, namely, the Ministry of Health & Family Welfare/Directorate General of Health Services. They are further directed to settle the matter, after carrying out necessary consultation with the authorities concerned as mentioned above, within a period of three months from the date of receipt of this order.

7. The Original Application is disposed of in the aforestated terms.

No costs.


(SARWESHWAR JHA)
MEMBER (A)

/pkr/