(2014) 07 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 20633 of 2010 (O&M)

Karan Singh APPELLANT

Vs

Union of India and Others RESPONDENT

Date of Decision : 07-07-2014

Acts Referred:
Administrative Tribunals Act, 1985 — Section 19

Citation : (2014) 176 PLR 594

Hon'ble Judges : Hemant Gupta, J;Fateh Deep Singh, J

Bench : Division Bench

Advocate : Munish Bhardwaj, Advocates for the Appellant

Judgement

Hemant Gupta, J.—The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short the Tribunal) on 03.08.2010 whereby an original application filed by the petitioner for reimbursement of actual expenses incurred by the petitioner on his treatment was declined. The petitioner was working as Senior Tax Assistant in the year 2006 when he suffered a heart attack. He was admitted in a private hospital namely Oxford Hospital, Jalandhar on 04.03.2006 and underwent Coronary Angiography with Stenting on 18.03.2006. He was discharged on 21.03.2006 and joined his duties on 25.04.2006. He incurred expenditure of Rs. 2,94,463/- and claimed reimbursement of the said amount but only a sum of Rs. 1,72,428/- was reimbursed.

2. Aggrieved against the non reimbursement of the remaining amount, he invoked the jurisdiction of the Tribunal under Section 19 of the Administrative Tribunals Act, 1985, which was dismissed on 03.08.2010. It was found that the petitioner is entitled to medical reimbursement in full or on the basis of package rates for having taken treatment at private hospital in view of the judgment of Bombay Bench of the Tribunal reported as (1995) 31 Administrative Tribunal Cases Page 1 titled as ''N.B. Rao v. Union of India'' as well as later judgment of the Hon''ble Supreme Court reported as State of Punjab and Others Vs. Ram

Lubhaya Bagga Etc. Etc., .

3. Learned counsel for the petitioner points out that the medical reimbursement to the Central Government employees is governed by Central Civil Services (Medical Attendance) Rules, 1944 (for short ''the Rules''). In respect of treatment from the private hospitals, instructions have been issued vide O.M. No. S-14025/55/92-MS dated 19.08.1993, O.M. No. S-14023/43/94-MS, dated 31.10.1994 as amended by O.M. No. 14025/43/94 - MS dated 22.04.1998. The instructions permit reimbursement of medical expenses at the rates meant for the Central Government employees under Central Government Health Scheme (CGHS). The instructions contemplates reimbursement of medical expenses for specialized treatment like Heart, Kidney, Coronary etc. at par with Central CGHS beneficiaries as only in these case a package deal arrangement with private hospitals for CGHS beneficiaries exist at present. The relevant circulars issued by Government of India reproduced as under:-

"(16) (A) Recognized private hospitals and approved rates for Coronary Bypass Surgery. The approval of the Government is conveyed for reimbursement of medical expenses under Central Services (Medical Attendance) Rules, 1944, for specialized treatments like Heart, Kidney, Coronary, etc., at par with CGHS beneficiaries as only in these cases a package deal arrangement with private hospitals for CGHS beneficiaries exist at present. The rates of Coronary Bypass Surgery for all recognized private hospitals will be as under

xx xx xx

2. xx xx xx xx

4. A list of private hospitals recognized for Coronary Angiography and bypass surgery on a referral basis is given in the Annexure.

6. The admission in these hospitals will be regulated on the package deal basis. The package will include professional charges like surgeon''s fee, anaesthetist''s fee, etc., hospital stoppage charges for the total period of stay from admission till discharge, medication and food."

4. In Ram Lubhaya Bagga''s case (supra), the Hon''ble Supreme Court was seized of the question of medical reimbursement restricting the benefit of reimbursement in respect of Punjab Government employees at par with the Government Hospitals or PGI or AIIMS. Similar are the instructions issued by Central Government in respect of reimbursement of medical expenses at par with the expenses permissible to CGHS beneficiaries. The petitioner has been given such benefit. Therefore, the petitioner is not entitled to actual reimbursement of the expenses in view of the circulars issued by the Central Government. We do not find any illegality in the order passed by the Tribunal dated 03.08.2010 which may warrant interference in the writ jurisdiction of this Court.

Dismissed.