

(2015) 03 NCDRC CK 0006

In the National Consumer Disputes Redressal Commission

Treasury Office And Member Secretary

APPELLANT

Vs

Kapur Chand Jain

RESPONDENT

Date of Decision : 12-03-2015

Acts Referred:

Citation : 2015 2 CPR 102

Hon'ble Judges : V.K.JAIN , B.C.Gupta J.

Final Decision : Petition disposed

Judgement

1. THE complainant/respondent in this case is a pensioner of the Government of Rajasthan. He developed chest pain, all of a sudden, on 30.09.2006 and was admitted in Jawahar Lal Nehru Hospital, Ajmer where he remained admitted from 30.9.2006 to 01.10.2006. Since he did not get any relief from the treatment given to him in the said hospital, he was taken by his relatives to Jaipur for better treatment and he was got admitted in Tongia Heart and General Hospital Jaipur on 1.10.2006. An expenditure amounting to Rs.1,28,000/- was incurred by the complainant on his treatment in Tongia Heart and General Hospital, Jaipur. Later he applied to the State Government seeking reimbursement of the aforesaid amount. The said reimbursement was however, declined, on the ground that he has taken a treatment which was not admissible. Being aggrieved, he approached the concerned District Forum by way of a complaint.

2. THE complaint was resisted by the petitioner on the ground that the complainant had voluntarily chosen to take treatment in a private hospital and that he was not entitled for the reimbursement of the expenditure incurred by him for treatment in the said hospital.

3. VIDE its order dated 31.8.2007, the District Forum allowed the complaint on the ground that the condition of complainant being serious, he had to be taken to a private hospital at Tongia heart and General Hospital and therefore, was entitled to reimbursement of the expenditure incurred by him. Being aggrieved from the order passed by the District Forum, the petitioner approached the concerned State Commission by way of an appeal. Vide impugned order dated

19.12.2008, the State Commission partly allowed the appeal thereby restricting the re -imbursement to Rs.1,02,400/ -. Being still dissatisfied, the petitioner is before us by way of this revision petition.

4. THE learned counsel for the petitioner has drawn our attention to the Rajasthan Pensioners Medical Concession Scheme dated 08.02.2006. The aforesaid scheme to the extent it is relevant reads as under: - "4B (i) A pensioner and the members of his family as defined in sub -para (5) of para 3 of the scheme shall be entitled for grant of financial assistance in respect of specialized treatments of By -pass Surgery, Open Heart Surgery, Valve Replacement, (deleted) taken in a Government hospital within the State of Rajasthan, on the scales and conditions as applicable to the State Government employees.

(ii) A pensioner and the members of his family as defined in sub -para (5) of para 3 of the scheme shall be entitled for grant of financial assistance in respect of specialized treatment of Implantation of Pacemaker and Angioplasty/ Balloonplasty taken in Government Hospital within the State of Rajasthan is as under:

Pacemaker Actual cost of Pacemaker subject to the maximum of Rs.60,000/ - Angioplasty/Balloonplasty Actual expenditure incurred subject to the maximum of Rs.35,000/ - For Stent/Stents Actual expenditure incurred subject to the maximum of Rs.75,000/ -. (iii) The procedure for getting financial assistance for specialized treatment shall be same as provided in para 4 A of the scheme except that the constitution of Medical Board and the sanction of the principal, Medical College/Director. Medical and Health Services shall not be necessary".

5. IT would thus be seen that a pensioner is not entitled to a treatment in a private hospital within the state of Rajasthan. He is entitled to such a treatment only in a Government hospital within the state of Rajasthan. The District Forum and the State Commission allowed the claim primarily on the ground that it was in an emergency condition that the complainant had to take treatment in a private hospital at Jaipur. We, however, find that there was no such emergency when the complainant was shifted from Ajmer to Jaipur. He had already taken treatment at Ajmer on 30.9.2006 as well as 01.10.2006. There is no evidence of the doctor at Ajmer having advised shifting him to Jaipur on the ground that the treatment at Ajmer was not available for the ailment from which he was suffering. In any case, even if we presume that appropriate treatment was not available at Ajmer, there is no reason why the complainant could not have been shifted to a Government hospital instead of shifting him to a private hospital at Jaipur. It is nobody's case that no Government hospital at Jaipur was equipped to give requisite treatment to the complainant. Therefore, if his family members were not satisfied with the treatment given to him at Ajmer and wanted to shift him for better treatment they should have taken him to a Government hospital at Jaipur instead of taking him to a private hospital. There was absolutely no justification in shifting him to a private hospital instead of a Government

hospital. We cannot say it was an emergent situation that the complainant had to be taken to a private hospital at Jaipur. Consequently, he is not entitled to any re-imbursment from the petitioner for the expenditure incurred in the said private hospital. For the reasons stated hereinabove, the impugned order is set aside and the complaint is hereby dismissed. No order as to costs. The revision petition stands disposed of.