

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 1761/2024

Dr. O P Gupta, Aged 85 years,
S/o Sh. Ram Saran Gupta,
R/o 5/167, Channi Himmat Jammu-180015.

.....Applicant(s)/Petitioner(s)

Through :- Mr. G S Thakur, Advocate

v/s

1. Indian Institute of Integrative Medicines (CSIR),
through its Director, Canal Road,
Jammu-180007. Respondent(s)
2. Council of Scientific & Industrial Search,
through its Director General,
Anusandhan Bhawan (2), Rafi Marg,
New Delhi-110011.
3. Central Administrative Tribunal,
Jammu Bench at Jammu,
through its Registrar.

Through :- Mr. Eishaan Dadhichi, CGSC

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)
11.09.2025**

1. Impugned in this petition filed under Article 226 of the Constitution of India by the petitioner is an order and judgment dated 29.05.2024 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in OA No. 61/225/2022 titled *“Dr. O P Gupta Vs. Indian Institute of Integrative Medicines (CSIR) & Anr.”*.
2. The impugned judgment is challenged by the petitioner, primarily on the ground, that the Tribunal has not appreciated the fact that the treatment was taken by the wife of the petitioner in a private hospital on account of emergency and, therefore, the entire

expenses incurred were to be reimbursed. Reliance is placed by the petitioner on the judgment passed by the Supreme Court of India in Writ Petition (Civil) No. 694 of 2015 titled “*Shiva Kant Jha Vs. Union of India*”, **2018 AIR (SC) 1975**, to substantiate his claim.

3. *Per contra*, learned CGSC appearing on behalf of the respondents submits that as per the policy guidelines governing Central Government Health Scheme [“CGHS”], an employee has to seek treatment in an emergency from the nearby Government hospital/ empanelled private hospital, that too on the advice given by the Medical Officer of CSIR dispensaries. It is, therefore, urged that the petitioner was not entitled to any reimbursement.
4. **Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly legal, both on facts and law and, therefore, cannot be interfered with by us in these proceedings.**
5. Without going into the factual dispute as to whether the treatment which was undertaken by the wife of the petitioner was on account of emergency or otherwise, suffice it to say that even if the treatment in emergency is taken in a private hospital, the insured is entitled to reimbursement of the medical claim on the CGHS rates. This is so clearly stated in the policy guidelines governing the CGHS. The Tribunal has correctly appreciated the controversy and has held the petitioner entitled to reimbursement of medical claim even for the treatment, his wife has undertaken from a private

hospital but on the rates prescribed by CGHS. We find no illegality or infirmity in the impugned judgment passed by the Tribunal.

6. For the foregoing reasons, **we find no merit in this petition and the same, is accordingly, dismissed.** The amount stated to have been deposited by the respondents in this Court shall be released in favour of the petitioner after due verification.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
11.09.2025
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Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No

