

\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11155/2016 AND CM NO. 43641/2016**

UNION OF INDIA AND ORS Petitioners
Through Mr. Anil Kumar Srivastava,
Advocate

Versus

TIKA SINGH Respondent
Through

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

% **ORDER**
25.11.2016

1. The subject matter of the present writ petition is payment of the medical reimbursement expenses to the respondent – Tika Singh a Senior Section Officer (Accounts) in the Northern Railway.
2. The petitioner – Union of India impugns the order passed more than a year back on 08.07.2015 by the Principal Bench, Central Administrative Tribunal, New Delhi.
3. It is submitted that the Tribunal has erred and erroneously held that there was medical emergency and therefore, medical expenses incurred in the private hospital should be reimbursed in terms of the policy/guidelines.
4. Having heard learned counsel for the petitioner, we do not see

any ground or reason.

5. The medical reimbursement scheme or the guidelines dated 31.01.2007 have a specific clause relating to emergency cases, which is as under:-

“As per extant rules, a railway beneficiary must report to Railway Medical Officer for his/her and dependents medical treatment. The Authorized Medical Officer will make necessary arrangements for medical treatment through Railway Hospital/Government, Hospital /Private, Recognized Hospital. In exceptional situations, CMDs of Zonal Railways can obtain special permission from Railway Board for treatment in any Private Hospital on case to case basis. Hence, there is no scope available for any railway beneficiary to go to any private hospital himself/herself or their dependents on their own volition, except in case of real emergency situation.

“Emergency” shall mean any condition or symptom resulting from any cause, arising suddenly and if not treated at the early convenience, be detrimental to the health of the patient or will jeopardize the life of the patient. Some examples are – Road accidents, other types of accidents, acute heart attack, etc. Under such conditions, when the Railway beneficiary feels that is no scope of reporting to his/her authorized Railway Medical Officer and avails treatment in the nearest and suitable private Hospital, the reimbursement claims are to be processed for sanction, after the condition of the emergency is confirmed by the authorized Railway Medical Officer *ex-post-facto*.”

6. In the present case the respondent, Tika Ram had met with a serious road accident at Panipat on 16.12.2011. He was immediately taken to the nearest hospital in Panipat. On medical advice the family members brought the respondent to Delhi and was admitted in

the Orthonova Hospital, Opposite main IIT Gate, New Delhi in an emergency condition on the same date i.e. 16.12.2011. It was diagnosed that the respondent had suffered ‘Tibial Plateau Fracture Schatzker Type V’. The respondent was urgently operated as an emergency case. He was discharged after about four days on 20.12.2011.

7. The petitioner – Union of India contests and submits that this was not an emergency case for the discharge summary of the Orthonova Hospital records that at the time of admission, the respondent was ‘conscious and oriented’.

8. We find that the argument rather odd and strange. The condition of the respondent cannot be judged only on the observation ‘conscious and oriented’ as recorded in the discharge summary. It is the general condition of the patient that had to be seen, with reference to doctor’s comments, diagnostic reports, treatment and procedures etc. The examples indicated in the guidelines includes case of road accident. The fact that the respondent had met with the road accident had to be rushed to Delhi for treatment and was immediately operated would reflect to the contrary and is the best proof of the emergency. A pragmatic and practical approach is required when the patient in a serious condition and requires immediate surgical intervention. One should not expect the patient or family members would first run around and procure no objection certificate. In the matter of life and death, a more humane and compassionate approach is required.

9. In view of the above, we do not find any merit in the writ

petition. Accordingly, the writ petition as well as the application stand dismissed, with no order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

NOVEMBER 25, 2016

b