HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.15095 OF 2003

ORDER:

The petitioner prays for *Mandamus* declaring the action of third respondent in restricting the medical bill for treatment of extraction, root canal treatment and ceramic bridge at A.P. Super Speciality Dental Hospital Private Limited, Banjara Hills, Hyderabad to Rs.6,720/-, vide letter No.8670/MA-B/2003 dated 16.5.2003 as illegal and against the spirit of A.P. Integrated Medical Attendance Rules, 1972 and G.O.Ms.No.74, Health, Medical and Family Welfare (K1) Department, dated 15.3.2005 and unconstitutional, and prays for a further direction to declare that the case of the petitioner is to be considered in terms of G.O.Ms.No.74, Health, Medical and Family Welfare (K1) Department, dated 15.3.2005 and direct fourth respondent to draw and pay Rs.35,000/- towards medical reimbursement expenses incurred by the petitioner.

The petitioner was an employee working in High Court of Judicature of Andhra Pradesh. The petitioner on attaining the age of superannuation, retired as Assistant Registrar. The petitioner's wife had undergone dental treatment at A.P. Super

Speciality Dental Hospitals, Banjara Hills, Hyderabad between 21.10.2002 and 31.10.2002. The petitioner relies upon the charges paid, vide receipt dated 27.12.2002 and claimed reimbursement of Rs.63,800/- from first respondent. The third respondent admitted a sum of Rs.6,720/- and rejected the balance claim for reimbursement. Hence, the Writ Petition.

The petitioner relies upon Rules-5 and 8 of A.P. Integrated Medical Attendance Rules, 1972 and contends that the statutory Rules cannot be controlled or altered by the Government Orders issued from time to time. In otherwords, the petitioner prays for admitting the entire claim and making the payment by following the statutory Rule.

The third respondent filed counter-affdiavit and the reply of third respondent reads thus:

> "A.P.Super Speciality Dental Hospitals, Banjara Hills, Hyderabad is one of the recognized referral hospitals in terms of G.O.Ms.No.38, Health, Medical and Family Welfare (K1) Department dated 09.4.2001 for giving treatment to A.P. State Government employees both in service/retired and their dependants on reimbursement basis. On the bills submitted by the petitioner, the Accountant General's audit party raised objection that the dental treatment is not an emergency except in accidental cases and the objections were referred to the Principal, Government Dental

> College and Hospital, Hyderabad for his remarks. The Principal, Government Dental College and Hospital, Hyderabad in his report stated that the expenditure incurred towards treatment obtained for ceramic bridge and ceramic crown is not reimbursable. The third respondent basing on the audit objection and the report submitted by the Principal, Government Dental College and Hospital, Hyderabad, deducted a sum of Rs.55,400/- from the total amount of Rs.63,800/- and indicated Rs.8,500/- as gross admissible amount by following the cut provided in G.O.Ms.No.175, Health, Medical and Family Welfare (K1) Department dated 29.5.1997. The final sum of Rs.6,720 is reimbursed. Therefore, it is stated that the medical bill for reimbursement is admitted according to applicable Rules, the objections of Accountant General's audit party and basing on the report of the Principal, Government Dental College and Hospital, Hyderabad and prays for dismissing the Writ Petition."

Learned counsel for the petitioner has substantially reiterated the stands of the petitioner referred to above. Therefore, for brevity I am not reiterating the same.

The petitioner claims for reimbursement of firstly, the entire amount claimed by him through bill dated 27.12.2002 and alternatively, prays for application of G.O.Ms.No.74 Health, Medical and Family Welfare (K1) Department dated 15.3.2005.

As regards the first ground, it is to be noted that the reimbursement is claimed under A.P. Integrated Medical Attendance Rules, 1972 and also the Government Orders issued from time to time. The objection of the third respondent is that the treatment taken by the petitioner's wife does not come as one of the accident cases, but an optional treatment and the expenses incurred by the petitioner are admitted as provided by the statutory Rules. The Ceramic treatment, etc., it is stated, are not included for reimbursement. The petitioner could not and did not draw the attention of the Court to any Rule or Regulation under which the claim of the petitioner for reimbursement of entire amount for ceramic treatment can be considered and paid by respondents. The reply of third respondent is to the effect that if the treatment was to be as a case of emergency different consideration arises but when the treatment is optinal, the petitioner can't have reimbursement of entire medical expenditure incurred or claimed, vide bill dated 16.5.2003. Therefore, the first ground raised by the petitioner is rejected.

Adverting to applicability of G.O.Ms.No.74 Health, Medical and Family Welfare (K1) Department dated 15.3.2005, it is noted that the said G.O. was issued on

15.3.2005. The claim of petitioner is considered according to the Rules/Government Orders in vogue as on 27.12.2002. G.O.Ms.No.74 Health, Medical and Family Welfare (K1) Department dated 15.3.2005 cannot be given retrospective operation even to alter the 20% cut, accepted by the third respondent, to 10% and giving relief to the petitioner. This ground is not brought home and accordingly rejected. Except the above, no other ground or point was urged by the learned counsel.

The Writ Petition fails and is accordingly dismissed.

As a sequel to dismissal of the Writ Petition, Miscellanoeus Petitions pending, if any, shall stand dismissed as infructuous. There shall be no order as to costs.

JUSTICE S.V.BHATT

01st March, 2017
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