

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15204 of 2017

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Vidyadhar Upadhyay son of Late Narsingh Upadhyay Resident of Village - Kalani, P.O. - Thakura, P.S. - Ramgarh, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Union Of India through Director General CRPF Block -1, CGO Complex, Lodi Road, New Delhi.
2. The Director General CRPF Block - 1, CGO Complex, Lodi Road, New Delhi.
3. Financial Adviser, CRPF Block - 1, CGO Complex, Lodi Road, New Delhi.
4. Assistant Director, Pay and Account Office, CRPF, Mahavir Nagar, New Delhi.
5. DIG, CRPF, Jharoda Kalan, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner	: Mr. Arun Kumar Tiwari, Advocate.
For the Respondents	: Mr. Awadhesh Kumar Pandey, SCG 2. Mr. Ravinder Kumar Sharma, CG 2.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-02-2019

Heard the learned counsel for the petitioner and the State.

2. The claim of the petitioner for being reimbursed an amount of Rs. 9,11, 701-39/-, incurred for the treatment of his wife has been rejected. The rejection of such claim is only on the ground that the claim is not covered under CS (MA) Rules, 1944.

3. Learned counsel for the petitioner has submitted that in the first instance, the claim is for higher amount viz. Rs. 11 lakhs which was wrongly been stated to be Rs. 9,11, 701-39/-. Secondly it has been stated that the petitioner, after his superannuation from CRPF on



31.07.2000, had filed his pension papers along with the option for payment of medical allowance as per the provisions contained in the relevant rules. Despite passage of around two decades of his retirement, neither medical allowance has been sanctioned nor any information has been provided to him whether his election of the scheme has been accepted.

4. Apart from this, learned counsel for the petitioner has also drawn the attention of this Court to a judgment delivered by the Hon'ble Supreme Court in case of *Shiva Kant Jha vs. Union of India in W.P. (Civil) No. 694 of 2015* wherein the Supreme Court, on taking into account that many a times medical claims of the ex-employees are not accepted because of the treatment having been rendered in hospital which are not empaneled by the State, a displeasure was expressed. In the aforesaid judgment, it was observed that the Central Government Health Scheme (C.G.H.S.) was propounded with a purpose of providing health facility scheme to the central government employees so that they are not left without medical care after retirement. It was in furtherance of the object of a welfare State that such a scheme was brought into existence. Under the circumstances, the Supreme Court observed, it would not be proper to reject the claim of an employee if such claim is based on the expenses



incurred in hospitals which were not empaneled by C.G.H.S.

5. A suggestion was given to the Ministry of Health for taking steps to form a committee to look into the aforesaid rigidity in disallowing the claims of the service men and that also when they have retired after rendering their useful service. It appears that the respondent/Deputy Inspector General of Police (Ops.), CRPF, Dantewada, Chhattishgarh, while rejecting the claim of the petitioner did not take into account that all the necessary papers of the treatment meted out to his wife, who could not survive, has been brought on record by the petitioner. The only ground on which the claim has been rejected is that some of the expenses were incurred in certain private hospitals which are not covered by the C.G.H.S. scheme and therefore the claim not being covered under CS (MA) Rule, 1944.

6. This Court directs the petitioner to make a fresh representation before the respondent no. 2 viz. the Director General CRPF Block-1, CGO Complex, Lodi Road, New Delhi along with a copy of this order within a period of four weeks from today. On such representation being received by the respondent no. 2, he shall dispose it off after verifying the records and taking into account that medical bills of even hospitals which are not empaneled



under the C.G.H.S. scheme, are also paid provided the genuineness of the bills are verified shall pass necessary orders. The representation of the petitioner shall be disposed of within a period of six weeks of the receipt of such representation.

7. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2019
Transmission Date	

