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Secretary

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No.NC-JCM-2018/ Health

The Secretary
Government of India
Ministry of Health and Family Welfare
Nirman Bhavan, New Delhi - 110 001.



April 23, 2018

Subject : Medical Treatment facilities to Central Government Employees and Pensioners

Reference : Judgment of the Hon'ble Supreme Court in WP (Civil) No. 694 of 2015 delivered on 13th April, 2018

Sir,

The Staff Side of the National Council (JCM) is repeatedly representing to the Government about the difficulties being faced by the Central Government Employees and Pensioners in availing Medical Treatment from CGHS Hospitals and also from un-empanelled hospitals during emergency. In many cases the CGHS empanelled hospitals charges over and above the charges fixed for different treatment and procedures and the same is denied and disallowed from the Medical Claims of the Employees and Pensioners thereby subjecting the CGHS beneficiary to huge financial difficulties. Similarly on different situations the CGHS beneficiaries are forced to take treatment to save their life from various un-empanelled hospitals. The claims from these hospitals are also rejected and the CGHS beneficiary has to bear the entire cost of the treatment. Against these the affected employees and Pensioners have approached different Courts in different parts of the Country and in all those cases the judgments are given in favour of the Employees.

At present the Hon'ble Supreme Court in its above referred Order has given an historical judgment with regard to the medical treatment of Central Government Employees and Pensioners and the Hon'ble Supreme Court has also given various directions to your Ministry for implementation in a time bound manner. The relevant portion of the judgment is given below for your kind ready reference.

"13) It is a settled legal position that the Government employee during his life time or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights. It is acceptable to common sense, that ultimate decision as to how a patient should be treated vests only with the Doctor, who is well versed and expert both on academic qualification and

experience gained. Very little scope is left to the patient or his relative to decide as to the manner in which the ailment should be treated. Specialty Hospitals are established for treatment of specified ailments and services of Doctors specialized in a discipline are availed by patients only to ensure proper, required and safe treatment. Can it be said that taking treatment in Specialty Hospital by itself would deprive a person' to claim reimbursement solely on the ground that the said Hospital is not included in the Government Order. The right to medical claim cannot be denied merely because the name of the hospital is not included in the Government Order. The real test must be the factum of treatment. Before any medical claim is honoured, the authorities are bound to ensure as to whether the claimant had actually taken treatment and the factum of treatment is supported by records duly certified by Doctors/Hospitals concerned. Once, it is established, the claim cannot be denied on technical grounds. Clearly, in the present case, by taking a very inhuman approach, the officials of the CGHS have denied the grant of medical reimbursement in full to petitioner forcing him to approach this Court.

16) Further, with regards to the slow and tardy pace of disposal of MRC by the CGHS in case of pensioner beneficiaries and the unnecessary harassment meted out to pensioners who are senior citizens, affecting them mentally, physically and financially, we are of the opinion that all such claims shall be attended by a Secretary level High Powered Committee in the concerned Ministry which shall meet every month for quick disposal of such cases. We, hereby, direct the concerned Ministry to devise a Committee for grievance redressal of the retired pensioners consisting of Special Directorate General, Directorate General, 2 (two) Additional Directors and 1 (one) Specialist in the field which 'shall ensure timely and hassle free disposal of the claims within a period of 7 (seven) days. We further direct the concerned Ministry to take steps to form the Committee as expeditiously as possible. Further, the above exercise would be futile if the delay occasioned at the very initial stage, i.e., after submitting the relevant claim papers to the CMO-I/C, therefore, we are of the opinion that there shall be a timeframe for finalization and disbursement of the claim amounts of pensioners. In this view, we are of the opinion that after submitting the relevant papers for claim by a pensioner, the same shall be reimbursed within a period of 1 (one) month."

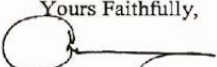
In view of the above observations and directions by the Hon'ble Supreme Court we request you to kindly take appropriate steps to implement the above judgment in its true perspective so as to ensure better health care to the Central Government Employees and Pensioners. We have already forwarded many Agenda Points for discussion with the Ministry of Health vide our Letter No. NC-JCM-2017/Health dated 26/04/2017 and 01/09/2017. We regret to inform you that

till date Ministry of Health has not convened the meeting with the Staff Side of National Council (JCM). You are therefore requested to convene a meeting with the Staff Side of National Council (JCM) in which the above issue can also be discussed.

Awaiting for your favourable response please.

Thanking you,

Yours Faithfully,


(Shiva Gopal Mishra)
Secretary