

Medical refund cannot be denied on arbitrary reasons

The government cannot deny medical reimbursement to an employee merely on the ground that he did not immediately inform his department about his admission in a non-panel hospital, the Central Administrative Tribunal has ruled. The tribunal's principal bench in Delhi comprising G George

Paracken rejected the objection raised by the Mahanagar Telephone Nigam Limited (MTNL) to its employee, Mahinder Kumar's claim for reimbursement, reminding the public sector undertaking that "no policy can be impracticable and arbitrary".

Kumar of Sonapat, Haryana, had suffered a severe heart attack in July 2010 and was rushed to a local hospital, which referred him to the Jaipur Golden Hospital in Delhi, where he was admitted. Three days after he was discharged, he suffered another attack and was re-admitted for treatment. The two hospital admissions cost him Rs.4.63 lakh.

When he returned to work and applied for reimbursement, MTNL rejected the claim on the grounds that employees were allowed reimbursement for admission in a non-panel hospital in an emergency only when they are immediately told about it.

This, MTNL argued, would have enabled its medical inspector to physically verify his admission which was a mandatory requirement for reimbursement.

Paracken rejected this argument, pointing out that the objective of the rule was to verify that an employee had indeed undergone treatment. This was something which could be done by verifying the claims of the employee with the hospital concerned.

"A person who has suffered a heart attack will be in panic and his entire family will also be in panic. When a person is fighting for his life, it is not expected of him or his family to intimate about his admission in the hospital immediately," the tribunal ruled.

"I fail to understand what verification the medical inspector could do even if the prior intimation of admission of the applicant in the said hospital had been given. When the medical authorities of the hospital have certified that the applicant got admitted in the hospital in an emergent situation, could the medical inspector of the respondent-department say that the same was not on emergent basis," the order said.

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