

1237

395/R(B)

R-99-90

~~R-7733/10~~

R-7736/10

123

A.R. (Admin A-1)/J.R. (M):

May kindly see the letter dated 19.07.2010 and 29.07.2010 of Smt. Shikha Pathak, Additional Chief Judicial Magistrate-VII, Ghaziabad, regarding grant of medical advance, amounting to Rs.10,00,000.00 for the treatment of Leukemia (Blood Cancer) and medical reimbursement claim, amounting to Rs.5,52,471.00, Rs.1,46,610.00, Rs.79,778.00, Rs.17,846.00 and Rs.35,514.00 =Rs.8,94,151.00 against medical advance amounting to Rs.9,00,000.00 earlier sanctioned by the Government placed at **Flag 'A' & 'A-1'**.

The above application ^{was} submitted by Smt. Shikha Pathak to the Government of U.P. through the Registrar General, High Court, Allahabad. The said application contains an estimate of Rs.10,00,000.00 given by Dr. Pravas Mishra, Assistant Professor, Department of Hematology, A.I.I.M.S., New Delhi. In her application Smt. Pathak has stated that the first cycle of chemotherapy is complete and according to medical advice, it shall be followed by another cycle of chemotherapy and thereafter appropriate bone marrow transplant is planned. The original copy of an estimate dated 19.07.2010 amounting to Rs.10,00,000.00 for further continued treatment is annexed herewith. She has further stated that she is under continued hospitalization since 08.06.2010 and so far the advance payment of 5 lacs earlier requested by her has not been released. She ^{has} already incurred an expenses of more than 5 lacs on the treatment till date. She has requested that the advance payment of Fifteen lacs rupees (15,00,000.00) (10 lacs + 5 lacs) be released forthwith to mitigate her financial constraints.

In this connection it may be submitted that earlier Smt. Shikha Pathak has applied for medical advance for Rs.5,00,000.00 through her application dated 14.06.2010. After obtaining the approval of Learned Registrar General on the office note dated 08.07.2010, the application alongwith its enclosures were sent to the Govt. for necessary action, ^{the} Court's letter dated 20.07.2010 at **Flag 'Y'**.

In this connection it may be submitted that in view of G.O. No.1209/V-6-2004-294/98, T.C., dated 09.08.2004, medical advance upto 75% of estimated expenditure over the treatment so certified by the medical superintendent of concerning hospital or Head of Medical Institute can be sanctioned by the sanctioning authority of medical reimbursement claim. Smt. Shikha Pathak has applied for Rs.10,00,000.00 for medical advance for the treatment of blood cancer. Treatment taken within the State or out of the State for more than Rs.2,00,000.00 the medical reimbursement claim can be sanctioned by the Administrative Department of the Government after advise from Medical Department and approval of Finance Department. As such the medical advance for Rs.10,00,000.00 so applied for by Smt. Shikha Pathak, Additional Chief Judicial Magistrate-VII,

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Ghaziabad may be sanctioned by the Government with the following proviso:-

- (क) अग्रिम स्वीकृति होने की तिथि से तीन माह के अन्दर अथवा निरन्तर उपचार चलते रहने की दशा में उपचार समाप्ति के तीन माह के अन्दर जो भी पहले हो, उसके समायोजन हेतु प्रतिपूर्ति का दावा प्रस्तुत करना अनिवार्य होगा।
- (ख) अग्रिम का समय से समायोजन सुनिश्चित करने के लिए प्रत्येक कार्यालयाध्यक्ष एवं विभागाध्यक्ष के कार्यालय में ऐसे अग्रिमों का एक रजिस्टर सेवारत कर्मचारियों/अधिकारियों के लिये रखा जायेगा, जिसकी जाँच प्रत्येक माह के प्रथम सप्ताह में आहरण वितरण अधिकारी द्वारा की जायेगी। निर्धारित समय के अन्दर चिकित्सा व्यय की प्रतिपूर्ति के दावे के प्रस्तुत न किये जाने पर अग्रिम की वसूली सम्बन्धित कर्मचारी के वेतन से एकमुश्त कर ली जायेगी और एकमुश्त वसूली सम्भव न होने पर उसे मासिक किस्तों पर वसूल किया जायेगा।
- (ग) जब तक एक अग्रिम का समायोजन नहीं हो जाता तब तक दूसरी अग्रिम किसी भी दशा में स्वीकृत नहीं किया जाएगा।
- (घ) अग्रिम के बिल पर आहरण-वितरण अधिकारी द्वारा यह प्रमाण पत्र अंकित किया जाना आवश्यक होगा कि स्वीकृत अग्रिम की प्रविष्टि अग्रिम के निर्धारित रजिस्टर में कर दी गयी है।

It may be recalled that Smt. Pathak had earlier applied for medical advance, amounting to Rs.10,00,000.00 through her application dated 03.01.2007 placed at **Flag 'B'**. After obtaining the approval of Learned Registrar General passed on office note dated 05.01.2007 at **Flag 'C'** the same ^{was} forwarded to the Government through Court's letter no.617/IV-3226/ Admin A-1, dated 09.01.2007 at **Flag 'D'**. Thereafter the medical advance, amounting to Rs.9,00,000.00 was sanctioned by the Government to Smt. Shikha Pathak through Government memorandum no.728/II-4-08-53(4)/2007, Lucknow, dated 20th march 2008 at **Flag 'E'** with the following conditions:-

1. अग्रिम स्वीकृत होने की तिथि से तीन माह के अन्दर अथवा निरन्तर उपचार चलते रहने की दशा में उपचार समाप्ति के तीन माह के अन्दर जो भी पहले हो उसके समायोजन हेतु प्रतिपूर्ति का दावा प्रस्तुत करना अनिवार्य होगा।
2. निर्धारित समय के अन्दर चिकित्सा व्यय की प्रतिपूर्ति का दावा प्रस्तुत न किये जाने पर अग्रिम की वसूली वेतन/अन्य देयों से एक मुश्त कर ली जायेगी और एकमुश्त वसूली सम्भव न होने पर उसे मासिक किस्तों में वसूल किया जायेगा।
3. जब तक एक अग्रिम का समायोजन नहीं हो जाता तब तक दूसरा अग्रिम किसी भी दशा में स्वीकृत नहीं किया जायेगा।

In this connection it may also be submitted that Smt. Pathak had submitted medical reimbursement claim, amounting to Rs.5,52,471.00 and Rs.1,46,610.00 against the medical advance, amounting to Rs.9,00,000.00 which was earlier sanctioned to her to the Government through Govt. letter dated 20.03.2008 at **Flag 'F'**. The Govt. has returned the aforesaid medical reimbursement claim

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through Govt. letter dated 11.02.2009 at **Flag 'G'** due to certain objections. Therefore the said medical reimbursement claim ^{was} returned to the officer concerned through the District Judge, Ghaziabad vide Court's letter dated 02.04.2009 at **Flag 'H'** for removing the objections as pointed out by the Govt.

The contents of the Govt. letter dated 11.02.2009 are being mentioned here in as under in verbatim:-

“ दावों के साथ विशिष्ट चिकित्सा संस्थान हेतु संदर्भित करने वाले प्राधिकृत चिकित्सक का संदर्भ संलग्न नहीं है तथा रु० 9 लाख के स्वीकृत अग्रिम के सापेक्ष उपरोक्तानुसार मात्र 6,99,081.00 रु० के ही दावे प्रस्तुत किये गये, अवशेष धनराशि के सम्बन्ध में स्थिति स्पष्ट नहीं है।”

In re-examination of the medical reimbursement claim as furnished by Smt. Shikha Pathak through her letter dated 29.07.2010 it is found that the objections as raised by the Govt. through their letter dated 11.02.2009 referred to above has not been removed, as Smt. Pathak has not send the reference of the authorised medical attendant through which she ^{was} referred to (विशिष्ट चिकित्सा संस्थान) for treatment. Moreover the claim is not according to check list given in para 8 of Govt. order no. 1209/V-6-2004-294/96, T.C., dated 09.08.2004.

If approved by the Registrar General the application dated 19.07.2010 of Smt. Shikha Pathak, Additional Chief Judicial Magistrate-VII, Ghaziabad regarding medical advance, amounting to Rs.10,00,000.00 may be forwarded to the Government alongwith its enclosures in continuation of her earlier application dated 14.06.2010 which was forwarded to the Government vide Court's letter no.11269/IV-3226/ Admin A-1 Sec., dated 20.07.2010.

If further approved the medical reimbursement claim, amounting to Rs.5,52,471.00, Rs.1,46,610.00, Rs.79,778.00, Rs.17,846.00 and Rs.35,514.00 =Rs.8,94,151.00 of Smt. Pathak may be returned to the District Judge, Ghaziabad with the request to direct Smt. Shikha Pathak to resubmit her medical reimbursement claim, after enclosing the reference of authorised medical attendant through which she ^{was} referred विशिष्ट चिकित्सा संस्थान for treatment as directed by the Government through letter dated 11.02.2009 and after completing all the formalities given para 8 (check list) of Govt. order no. 1209/V-6-2004-294/96, T.C., dated 09.08.2004?

A'

B'

JR (M)
✓

REGISTRAR (B)
Submitted for kind perusal and orders for onward submission as proposed at 'A' & 'B' above.

(Signature)
13.8.10
(Signature)
16.08.10
R
17.8.10
AR

Regor (B)
25.8.10

(Signature)
17/8/2010
J.R.(M)

Reg. Gen.
may like to approve as proposed at 'A & B'
(Signature)
20-8-2010
Reg (B)

Approved at 'A & B'
(Signature)
23/07/10
G. R. G.

So Admin. A1
(Signature)
25/8/2010
J.R.(M)

So. Anand
(Signature)
25-08-10