

(155)

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No. 4/920/2015/Wel-CD/ 6085-86

Dated: 13/08/18

**In the matter of
Ms. Pooja
W/o Sh. Manoj Kumar
B-4/261, Sector -07, Rohini
Delhi -110085**

.....Petitioner

Versus

**General Manager
Delhi SC/ST/OBC/Min. & Handicapped
Financial Development Corporation (DSFDC)
Ambedkar Bhawan, Sector -16, Rohini
New Delhi -110085**

.....Respondent

**Date of Hearing: 6.03.2018
Present: Sh. Sunil Kumar Sachdeva, Dy. Manager (P), Sh. Amarjit Singh, Asstt.
Manager (Transport) for Respondent,
Ms. Pooja: Complainant**

ORDER

The above named complainant W/o Shri Manoj Kumar, a person with 100 temporary disability, vide a complaint dated 17.03.2015 submitted that her husband was working as MTS in the office of respondent. She had submitted the medical bills of Rs. 17 Lakh for reimbursement on 24.04.2015 in respect of her late husband who expired on 22.03.2015. However, the amount had not been paid to her and she was also not given appointment in place of her husband.

2. The complaint was taken up with the respondent vide communication dated 17.03.2015. The then Commissioner also heard the parties on 30.04.2015, 20.05.2016, 11.06.2015, 15.07.2015, 30.09.2015, 02.11.2015 and 14.12.2015 till the last communication from the respondent on 06.07.2016. The respondent submitted that an amount of Rs. 4,68,825/- was paid. However, the medical bills amounting to Rs. 4,68,423 which were submitted by the complainant after a gap of 4 months to more than a period of one year from the date of discharge from the hospital and after

**Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02**

the death of Shri Manoj Kumar had become time barred and were rejected by the competent authority.

3. As regards appointment of Ms. Pooja on compassionate ground, the respondent submitted that the committee constituted for the purpose had submitted a report which was under consideration of competent authority. As there was no further update and the complaint was pending, the respondent was requested to intimate the status vide letter dated 27.12.2017 and thereafter a hearing was scheduled on 06.03.2018. The respondent vide letter dated 17.02.2018 submitted the status of the complaint which is reproduced below:-

"The Corporation has reimbursed an amount of rs. 16,70,047/- (Rupees Sixteen Lakhs Seventy Thousand Forty Seven Only) on account of medical treatment of Shri Manoj Kumar, MTS (now deceased) of this Corporation. Very recently the Corporation vide cheque bearing No. 026951 dated 09.02.2018 amounting to Rs. 2,01,222/- has reimbursed the remaining medical bills to Smt. Pooja in respect of medical treatment of Shri. Manoj Kumar, Ex-MTS incurred by her on the treatment of her husband. The details of medical reimbursement are given below:-"

S. No.	Name of hospital	Period of hospitalization		Amount claimed	Amount reimbursed
1	Maharaja Agrasen Hospital	28.11.2013	09.12.2013	308683	278007
2	Fortis Memorial Research Institute	09.12.2013	31.01.2014	1766516	1190818
		10.02.2014	12.02.2014	48046	24248
		30.03.2014	02.04.2014	62139	34365
		02.05.2014	04.05.2014	34699	12202
		27.02.2014	02.06.2014	111461	54526
		19.08.2014	26.08.2014	135136	44485
		04.01.2015	05.01.2015	76942	31396
			Total	2543622	1670047

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02

Further, all the medical bills claimed by Smt. Pooja for reimbursement has been made by the Corporation as per the medical reimbursement scheme of the Corporation on account of treatment of Shri Manoj Kumar, MTS (now expired) and at present no medical bill is pending for reimbursement in the Corporation.

Further, Smt. Pooja W/o Late Shri Manoj Kumar, the then MTS had applied for her appointment on compassionate ground. Accordingly, the Corporation had constituted a Committee vide office order No. 643, dated 24.12.2016 (copy enclosed) under the chairmanship of the then General Manger to consider the representation received from the family members of various deceased employees for their appointment on compassionate ground in the Corporation. Accordingly, the Committee considered all the cases received for appointment on compassionate ground and found that up to a maximum of 5% of vacancies falling under direct recruitment quota in any group 'C' posts. Accordingly, the committee after considering the rule position found that four posts have already been filled on compassionate ground in the Corporation. Therefore, the committee recommended at present there is no vacancy available in the Corporation. In such conditions, the representations which are received from the family members of the deceased employees cannot be considered at this stage.

Hence, the request received from various family members of the deceased employees of the Corporation were considered and rejected consequent upto recommendations of the Committee".

4. During the hearing on 6.3.2018, the complainant submitted that her case for appointment as MTS on compassionate ground had been processed and approved. However, because of certain reasons, she was not issued offer of appointment. She also submitted that her condition is very pathetic as she is only 31 years old and has small baby to raise. Her in-laws are also dependent on her and therefore she deserves the sympathy of the organisation for appointment as she has no other means to support herself and the family.

5. With regard to the reimbursement of the medical bills , the complainant stated that she submitted medical bills of Rs. 4, 68,423/- during 2014-15 and the last one was submitted on 27.05.2015. Against the said bills, she has been reimbursed an

Court of Commissioner (Disabilities)

National Capital Territory of Delhi

Room No. - 1

25-D. Mata Sundari Road, New Delhi-02

amount of Rs. 2, 01,222/- in February, 2018 which is not according to the rates of Sir Ganga Ram Hospital, which she is entitled to whereas she has been paid at the DGHS Rates.

6. The representatives of the respondent reiterated the written submissions and added that the decision about the appointment on compassionate grounds has been taken in accordance with the instructions of DOP &T as per which only 5% vacancies could be filled on compassionate grounds. There are four applicants and no vacancy for appointment on compassionate ground in the corporation. As regards the reimbursement of medical bills at DGHS rates, the same was done in compliance with the decision of the 144th Board Meeting held on 28.07.2015 that all the medical bills irrespective of the date of submission would be reimbursed at DGHS rates. He also stated that the complainant had submitted the bills after 4 to 12 months of delay. The then competent authority had decided that the bills be processed as per the medical rules which provide that final claim for reimbursement of medical expenses in respect of particular spell of illness should ordinarily be preferred within 3 months from the date of completion of treatment as shown in the last essentiality certificate issued by various medical /medical officers concerned. The competent authority i.e. Board in its 152nd meeting held on 29.12.2017 condoned the delay and approved the reimbursement of medical bills. Accordingly, an amount of Rs. 201,222/- was processed and paid to the complainant on 9.2.2018.

7. It is observed that the appointments on compassionate grounds are to be made in accordance with DOP &T's O.M. No. 14014/02/2012-Est./(D) dated 16.01.2013. One of the conditions for such appointments is that there will be a ceiling of 5% of direct recruitment vacancies for making compassionate appointments and appointments are to be made on the recommendation of the committee to be constituted especially for this purpose. The committee has to examine and decide each case on its merit. Therefore, it will be appropriate to leave the decision to the Committee. The complainant may submit her representation to the office of respondent for placing before the committee for its consideration.

8. With regard to reimbursement of the medical bills, since the competent authority condoned the delay, the rates prevailing at the time of treatment would be applicable. Admittedly, the board decided to apply DGHS rates on 28.07.2015 i.e. after the date of treatment and submission of the bills by the complainant.

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02

Therefore, the complainant should have been reimbursed the medical bills at Sir Ganga Ram Hospital rates. Accordingly, it is recommended that the remaining amount due to the complainant should be paid to the complainant within one month and an action taken report be submitted to this court within 3 months from the date of receipt of this order as required under section 81 of the Rights of Persons with Disabilities, Act, 2016.

9. The complaint is disposed off accordingly.

10. Given under my hand and the seal of the Court this 12th day of March, 2018.



Commissioner for Persons with Disabilities

(Signature)
(T.D. Dhariyal) 143
Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02