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, Email: comdis.delhi@delhi.gov.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 2715/1024/2022/08/6396-6398   **Dated:08-08-22**

In the matter of:

Ms. Himani,
D/o Shri Suresh Kumar Rajput,
Flat No.B-265, DA Flats,
Timarpur, Delhi-110054.
(E-mail-rajput.himani@gmail.com).   **…… Complainant**

Versus

The Director General,
Directorate General of Health Services,
F-17, Karkardooma,
Delhi – 110032.   **.......Respondent No.1**

The Medical Superintendent,
Aruna Asaf Ali Hospital,
Govt. of NCT of Delhi,
Rajpur Road, Delhi-110054.   **.......Respondent No.2**

ORDER

The complaint, Ms. Himani Rajput on behalf of her bedridden father Shri Suresh Kumar Rajput, a serving employee of Delhi Government, working in Aruna Asaf Ali Government Hospital as an Asstt. Section Officer filed a complaint under Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act, for non reimbursement of medical expenses including Nursing Care Charges (Rehabilitations) as per Rule 6(1)(a) and Rule 7 of CS(MA) Rules 1944 for prolong treatment of her father, at his residence.

2.   Shri Suresh Kumar Rajput, who became disabled due to (Brain Stroke) illness since 17.11.2018, is a case of Spastic Hemiparesis, aphasia post Cranio plasty and coiling of left ICA Aneurysm and Hematoma evacuation (Supra major Surgery).   The patient was on RT feed, wheel chair bound, on SPC and requires continuous Nursing Care, Speech Therapy and Physiotherapy. Further, his right portion of body is paralytic and he is unable to move on his own. He is also facing trouble to speak. Reviewing his health conditions, the doctor recommended him to have a full time (24hours) trained Medical Attendant and Physiotherapist both at Hospital and at Home for attentive nursing care till his recovery.   It was also recommended by the doctors that all medicines are essential.

3.   It is further informed that the complainant approached the concerned authorities many times to intervene and decide the matter considering the deteriorating health of her father and arrange the reimbursement of Nursing Attendant/ Nursing Care Charges, as per actual, for treatment at residence. The claim, however, was rejected on the ground that there is no provision for Nurse/ Ayah Facility under CGHS for Domiciliary Rehabilitation.

4.   Now the complainant approached this court and requested to direct the concerned authorities to release the following reimbursement:

        (a)   The restricted amount of medical bill
        (b)   Nursing Care Charges at residence as per actual
        (c)   Physiotherapist Charges

The complainant also submitted that that Delhi Government employees are covered under CS(MA)/CGHS/DGEHS Rules.

5.   Shri Suresh Kumar Rajput is a High Support Need (HSN) person. Taking into account the submissions of the complainant and considering the deteriorating health of Shri Suresh Kumar Rajput, the Court recommends as under:-

(i)   Legitimate Attendant Stipend, Caregiver Stipend, Nursing Fee, as admissible, as per existing norms and regulations, needs to be provided and be released immediately. Further, respondents are directed to be more sensitive when they are dealing with claims for reimbursement of medical expenses of persons with disabilities like in this case where the persons is on High Support Need (paralytic) and bed ridden.

(ii)   In the best interest of a High Support Need person with disability, Shri Suresh Kumar Gupta, ASO may be considered to be shifted to Aruna Asaf Ali Hospital and provided a suitable accommodation preferably an independent room wherein his family and other relatives can look after him besides the hospital staff.

6.   Action Taken Report be submitted within one week from the date of receipt of this order.

7.   Give under my hand and the seal of the Court this 08th day of August, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities