

72. THE CENTRAL CIVIL SERVICES (MEDICAL ATTENDANCE) RULES, 1944

In exercise of the powers conferred by sub-section (2) of Section 241, read with sub-section (3) of Section 313 of the Government of India Act, 1935 the Governor-General-in-Council is pleased to make the following Rules, namely:

1. Short title and extent of application.—(1) These rules may be called the **Central Civil Services (Medical Attendance) Rules, 1944**.

(2) These rules shall apply to all Government servants other than (i) those in railway service, and (ii) those of non-Gazetted rank stationed in or passing through Calcutta, whose conditions of service are prescribed by Rules made or deemed to be made by the Central Government, when they are on duty, leave or Foreign Service in India or when under suspension.

Note 1.—Persons in railway service are excluded from the purview of these Rules [x x x]. Railway employees on deputation to various other offices under the Central Government are, however, governed by these rules.

Note 2.—These rules do not apply to :

- (i) Defence Services personnel.
- (ii) Government servants who are on leave or deputation abroad.
- (iii) Non-Gazetted Government servants, including Group D, and gazetted Government servant (other than Central Services Group A (drawing pay less than Rs. 750 p.m. stationed in or passing through Calcutta for whom special arrangements for medical attendance and/or treatment have been made.
- (iv) Retired Government Officials.
- (v) Non-officials sent on deputation abroad.
- (vi) Government servants in Delhi/New Delhi who are governed by the Contributory Health Service Scheme while in New Delhi.
- (vii) Officers of the All India Services and other person who are governed by the All India Services (Medical Attendance) Rules, 1934; and
- (viii) India-based officers and staff serving in Mission abroad, who are governed by the Assisted Medical Attendance Scheme.

Note 3.—These rules apply to :

- (i) All Central Government servants who are on leave preparatory to retirement, or on refused leave taken immediately after the date of compulsory retirement or on the expiry of an extension of service ;

- (ii) Officers of the General Administrative Reserve ;
- (iii) Government pensioners on their re-employment under the Central Government, irrespective of the service to which they belonged at the time of retirement ;
- (iv) Defence Accounts Department personnel ;
- (v) Civilians paid from Defence Service Estimates, except those mentioned in para 5 of the Ministry of Defence letter No. 9(4) 54/8278/D (Civ-II), dated 18-7-1957, read with Ministry of Defence Letter No. 13 (53)/3177/D (Civ-II), dated 19-3-1963.
- (vi) Central Government servants on terminal leave ;
- (vii) A probationer;
- (viii) Apprentices who are in the whole time service of Government;
- (ix) [* * * * *]
- (x) Police personnel (including personnel of the Assam Rifles) subject to the conditions specified in the Ministry of Health O.M. No. F. 13-10/53-LSG (M), dated the 18-3-1954; and
- (xi) All State Government servants on deputation with the Central Government.

Note 4 : In regard to medical concessions, the Central Government servants, while on deputation to a State Government will be governed by the rules of the State Government concerned. The State Government may, however, if they so desire, apply the Central Government Rules to such deputationists.

Note 5 : The concessions granted under these rules to Government servants are applicable to their families as well subject to such conditions, or exceptions, as specified in these rules or Section 4 of the Compilation.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context :—

- (a) “*Authorised Medical Attendant*” means,—
- (A) in respect of any Government servant or any class or classes of Government servants in any station, a Medical Officer, whether or not under the employ of the Central Government appointed by—
 - (i) the Department of Health of the Government of India, where such persons are under the employ of that Department, or
 - (ii) any other Department of the Government of India, in relation to persons under the employ of that Department, or
 - (iii) any authority which is declared by the President, under sub-rule (10) of Rule 5 of the Supplementary Rules, to be the head of a department in relation to person under the employ of that authority; or

- ¹(iv) the Chairman of the Central Government Employees' Welfare Co-ordination Committee at stations where such Committees as functioning, in relation to the Central Government employee at that station :

Provided that no Medical Officer under the employ of a State Government or the Administrator of a Union Territory shall be appointed as an Authorised Medical Attendant except after consultation with the Government or the Administrator of that Union Territory}.

(B) Where no medical officer is appointed as aforesaid;

- (i) in respect of a Government servant who belongs to a Central Service, Group A, or whose pay is not less than Rs. 750² per mensem, the Principal Medical Officer of the District appointed by the Government to attend its officers in the district;
- (ii) in respect of a Government servant not belonging to a Central Service, Group A, or whose pay is less than Rs. 750³ but more than Rs. 330⁴ per mensem, an Assistant Surgeon, Grade I (Medical Graduate), or other Medical Officer, appointed by the Government to attend its officers in the station;
- ⁵(iii) in respect of any other Government servant, an Assistant Surgeon, Grade II (Medical Licentiate) as where he is not available, an Assistant Surgeon Grade I (Medical Gratuity), similarly appointed.

Note 1.—To determine the status of an officer, the actual pay he is drawing at the time he falls ill should be taken into account.

Note 2.—For the purpose of determination of the status of an officer under suspension, the actual pay he was drawing just before the date of his suspension should be taken into account.

Note 3.—In the case of re-employed, pensioners the pension should be taken into consideration along with pay for the purpose of determining the grade for the purpose of medical attendance and treatment.

Note 4.—The authorised medical attendant of a Government servant is determined with reference to the place at which he falls ill, whether it be his permanent residence or place of casual stay or the place where he may be spending his leave.

Note 5.—Honorary Medical Officers outside hospital precincts are just like private medical practitioners and so cannot be regard as the authorised medical attendants of the Central Government employees, under the rules I

1. Ins. by G.I.M.H. Notification No. S-14012/5/76-MC, dated 10-12-1974.

2. Subs. by G.I.M.H. Notification No. S-14011/8/75-MC, dated 31-5-1976.

3. Subs. by G.I.M.H. Notification No. S-14011/8/75-MC, dated 31-5-1976.

4. Subs. by G.I.M.H. Notification No. S-14011/8/75-MC, dated 31-5-1976.

5. Ins. by G.I.M.H. Notification No. S-14012/5/76-MC, dated 10-12-1974.

Andhra State, however, honorary medical officers have been declared as authorised medical attendants.

- (b) "*District*" means the district in which the Government servant falls ill,
- (c) "*The Government*" means—
 - (i) in respect of a Part 'A' or Part 'B' State, the State Government and
 - (ii) in respect of a Part 'C' State, the Lieutenant Governor or the Chief Commissioner, as the case may be.
- ¹[(d) "*Government Hospital*" includes a departmental dispensary whether full time or part time established and run by a Department of the Government for the medical attendance and treatment of a class or classes of Government servants and members of their families a hospital maintained by a local authority and any other hospital with which arrangements have been made by the Government for the treatment of the Government servant].

Note .1—Hospitals run by the Railway Administration are not covered by these Rules.

Note 2.—"Local Authority", means Municipal Committee or District Board. It does not include "Cantonment Board". Hence Cantonment General Hospitals are not ordinarily recognised as Government Hospitals.

- (e) "*Medical Attendance*" means—
 - (A) in relation to an Authorised Medical Attendant appointed under sub-clause (A) of Clause (a), attendance in consulting room or Government hospital to which he is attached or at the residence of the Government servant, including such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis as are available in the Government Hospital or consulting room of in any other nearest Government Hospital and are considered necessary by the Authorised Medical Attendant and such consultation with a specialist or other Medical Officer in service of the Government stationed in the District as the Authorised Medical Attendant certifies to be necessary, to such extent and in such manner as the specialist or the Medical Officer may in consultation with the Authorised Medical Attendant, determined; and
 - (B) in relation to any other Authorised Medical Attendant not appointed under sub-clause (A) of Clause (B);
 - (i) in respect of a Government servant specified in paragraph (i) sub-clause (B) of Clause (a), attendance in hospital or at the residence of the Government servant, including such

pathological, bacteriological, radiological, or other methods of examination for the purpose of diagnosis as are available in any Government hospital in the district and are considered necessary by the Authorised Medical Attendant and such consultation with a specialist or other medical officer in the service of Government stationed in the District as the authorised medical attendant certifies to be necessary, to such extent and in such manner as the specialist or medical officer man in consultation with the authorised medical attendant, determine;

- (ii) in respect of any other Government servant including a member of the Central Service Group D, attendance at a hospital or in the case of illness which complete the patient to be confined to his residence of the Government servant, including such methods of examination for purposes of diagnosis as are available in the nearest Government hospital and such consultation with a specialist or other medical officer of the Government stationed in the district at the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorised medical attendant, determine.

Note 1.—"Medical attendance" includes attendance at the hospital/dispensary (*i.e.*, at the out-patient department) or at the residence of the Government servant or at the room of the authorised medical attendant whether maintained at the hospital, or at his own residence, by arrangement with him.

Note 2.—The term "consulting room maintained by an authorised medical attendant at a hospital" means consulting room at his residence allotted to him in the hospital compound and that no authorised attendant should charge any fee for attendance upon or professional services rendered to any person whether a Government servant/or a member or his family, at the hospital premises during hospital/dispensary hours.

Note 3.—A Government medical officer in the Centrally Administered Area, whether appointed as an authorised medical attendant, or rendering professional service as a specialist, is not entitled to charge any fees for medical attendance on a Central Government servant himself, irrespective of the place where such services are rendered. For a member of Government servant's family, however, if the professional services are rendered outside the hospital, the doctor, whether appoint as an authorised medical attendant or rendering services as a specialist, is entitled to charge his fees at the prescribed rate, if otherwise permissible.

Note 4.—No fees should be charged by the medical officers in receipt of a non-practicing allowance for the professional services rendered to the Central Government servants and members of their families either before, or during or after hospital hours.

As regards fees chargeable from person other than the Government servants under the hospitals rules it has been decided that the sums should be credited to the Government servants.

Note 5.—In Rule 2 (e) (v), the words “in the service of the Government” qualify both the phrases “a specialist” and “medical officer” proceeding it. Accordingly refund of expenses incurred on account of consultation with specialist not in the service of the Government is not admissible under the rules.

Note 6.—Pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis should be carried out only at a Government hospital or a Government laboratory.

At the time of claiming refund of expenses incurred on this account, the Government servant concerned should produce a certificate from the authorised medical attendant that such examinations were considered necessary by him.

Note 7.—Medical Officer who attend on Central Government servants and their families should not send the patients to private clinics practitioners, private X-ray establishments for skiagrams, cardiograms, electric thereby, bacteriological or pathological examinations, etc., unless this is absolutely essential owing to non-availability of the facility at a Government hospital and in such cases the consent of the Director of Health Services in the case of Delhi State (Chief Administrative Medical Officer in the case of other States) should first be obtained, otherwise Government will not refund the fees charged by the practitioners or institutions.

Explanation.—Though for medical attendance and treatment a recognised women’s hospital/a Government hospital for women should not ordinarily be regarded as a Government/recognised hospital for treatment of male patients, such a hospital should not, however, be regarded as a private clinic/X-ray establishment for X-ray etc., examinations of male patients necessitating approval of the Chief Administrative Medical Officer of the State in terms of Note (7). Reimbursement of such X-ray, etc, charges should, therefore, be allowed when carried out in aforesaid hospitals on the advice of the authorities medical attendant.

Note 8.—Arrangements for the medical attendance and/or treatment of Central Government servants and members of their families in certain States in India.

Note 9.—In view of the fact that the concession of domiciliary treatment for the families of Government servants has been extended vide para (iv) of G.I.M.H.O.M. No. F-8 (1)-1/54-H- 11, dated the 12-8-1955, and that “treatment” follows “medical attendance”, at residence in the case of illness which compels the patients to be confined to residence for members of families of the class of Government servants, specified in Rule 2 (e)(ii) should be deemed to be automatic.

(f) “Patient” means a Government servant to whom these Rules apply and who has fallen ill;

- 1(ff) "*Schedule*" means a Schedule attached to these rules;
- (g) "*State*" means the State in which a patient has fallen ill;
- (h) "*Treatment*" means the use of all medical and surgical facilities available at the Government hospital in which the Government servant is treated and includes :
 - (i) the employment of such pathological, bacteriological, radiological, or other method as are considered necessary by the authorised medical attendant;

Note 1.—Under these rules massage treatment is not admissible but it has been decided that claims in respect of such treatment may be admitted with the special sanction of the Government of India, Ministries of Health and Finance, subject to the fulfilment of the following conditions :—

- (1) the massage treatment should be undertaken on the advice of the authorised medical attendant;
- (2) that it should be carried out by a trained masseur;
- (3) that the progress of such treatment should be reported at stated intervals to the authorised medical attendant; and
- (4) that it should be certified by the authorised medical attendant that the treatment has been completed or that the case has reached the stage of maximum benefit from the treatment.

Each case of this kind will be examined on its merits and refund not exceeding Rs. 10 per visit of the masseur may be allowed.

The concession is admissible to families of the Central Government servants also. They are however, not entitled to receive such treatment at their residences.

Massage treatment by a private measure is admissible only when it is certified by the authorised medical attendant that facilities for such treatment are not available in any local Government or recognised hospital.

Note 2.—In the case of female Government servants "*treatment*" includes confinement as it does in the case of the members of Government servant's families.

Note 3.—Treatment at the consulting room of the authorised medical attendant should be limited to the administration of injections only.

Note 4.—Provision for the treatment of special disease, *e.g.* T.B., Poliomyelitis (including Cerebral Palsy and Spastics). Cancer (including Hodgkin's disease and Leukaemias). Mental diseases, Diabetes, etc. has been made in Section 4 of the Compilation.

Note 5.—Arrangements for the medical attendance and/or treatment of Central Government servants and members of their families in certain station in India (not printed).

Note 6.—The expenses incurred in connection with physiotherapeutic and occupational therapeutic treatment may henceforth be treated as curable to the extent these facilities are available in Government/recognised hospitals provided that the treatment is obtained to recap certain physical weakness/2defect which may have occurred as a result of some disease. No reimbursements will, however, be admissible if such treatment is obtained (a) to improve general physical fitness/stamina (b) for coronary purposes (c) to improve figure etc.

- (ii) the supply of such medicines, vaccines, sera or other therapeutic substances are ordinarily available in the hospital;

Note.—Treatment as an out-door patient in any hospital is generally free. If a Government servant attends a Government hospital, as an outdoor patient and if the authorised medical attendant prescribes the medicines, which the purchases from the market, then the cost of medicines may be refunded. But an "Essentially" certificate in the prescribed form should be produced.

- ¹[(iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available, as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the Government servant, except the times mentioned below namely :

- (1) preparations which are not medicines but are primarily foods, tonics, toilet preparations or disinfectants as specified in Schedule I ; and
- (2) expensive drugs, tonics, laxatives or other elegant and proprietary preparations as specified in Schedule II, for which drugs of equal therapeutic value are available.

Note. 1—The refund of the cost of preparations which are not medicines but are primarily foods tonics, toilet preparations or disinfectants is not admissible under the Rules. Prescriptions of expensive drugs, topics, laxative, or other elegant and proprietary preparations for the use of Government servants and members of their families when drugs of equal therapeutic value are available in the hospital and dispensaries is prohibited.

Note. 2—Sales Tax paid by Government servants, while purchasing special medicines from the market is refundable under the Rules. Packing and postage charges paid by Government servants of purchasing special medicines from outstation are not refundable.

Note 3.—All claims for refund of expenses incurred on account of the purchase of the special medicines should be accompanied by an "essentially certificate" from the authorised medical attendant in that prescribed form (not printed).

- (iv) such accommodation as is ordinarily provided in the hospital and is suited to his status ; ²[x x x]

1. Subs. by G.I.M. No. S-14011/4/74 H.C. dated 12-9- 1974.

2. Omitted by S.O. 157, dated 4-8-1978, Gazette of India, dated 13-1-1979.

Note. 1—In the event of accommodation suited to the status of the Government servant concerned being non- available, accommodation of a higher class may be allotted provided it can be certified by the Medical Superintendent of the Hospital :

- (i) that accommodation of the appropriate class, was not available at the time of admission of the patient; and
- (ii) that the admission of the patient into the hospital could not be delayed without danger of his/her health until accommodation of the appropriate class became available.

Note 2.—In Delhi and other Centrally Administered areas, a Government servant is entitled to free accommodation when treated in a Government Hospital.

Note 3.—Cottage booking fee, admission fee and *dhobi* charges are not refundable under the rules.

Note 4.—Electric lighting charges and fan charges from part of accommodation charges and hence are refundable under the rules. But air-conditioning charges for a heater are not refundable under the rules if only a portion of the accommodation is air-conditioned and a patient is given the choice of occupying that room. When, however, air-conditioning or use of a heater is a normal part of hospital amenities provided to all private wards or removal of the patient to air-conditioned room *in the same hospital* for certain hours is considered absolutely necessary by the medical attendant and there is no choice left to the patient, the expenses incurred on that account may be refunded.

- (v) such nursing as is ordinarily provided to in-patient by the hospital, and

Note.—Charges for an attendant (including any *ayah*) are not refundable under the rule.

- (vi) the specialist consultation in Clause (e) but does not include diet or provision at the request of the Government servant or accommodation superior to that described in sub-clause (iv).

3. Medical Attendance.—(1) A Government servant shall be entitled, of charge to medical attendance by the authorised medical attendant.

(2) Where a Government servant is entitled under sub-rule (1) free of charge, to receive medical attendance, any amount paid by him on account of such medical attendance shall, on production of a certificate in writing by the authorised medical attendant in this behalf be reimbursed to him by the Central Government :

Provided that the controlling officer shall reject any claim if he is not satisfied with its genuineness of the facts and circumstances of each case after giving an opportunity to the claimant of being heard in the matter. While doing so, the controlling officer shall communicate to the claimant the reasons, in brief for rejecting the claim and the claimant may submit an appeal to the Central Government within a period of forty-five days of the date of receipt of the order rejecting claim.

Note.—In Delhi and other centrally administered areas, authorised medical attendants are whole time employees of the Central Government and as such are not entitled to claim their fees for medical attendance, including administration of injections from Government servants, male or female, whether attended to at the hospital or at the residence of the Government servants concerned.

NOTES

Medical—Reimbursement—Joint declaration.—Neither the Fixed Medical allowance covers the entire medical facilities and is only in lieu of outdoor treatment nor it is an allowance meant for the entire family, but is only for individual State Government employee rejection of claim is violation of rights guaranteed under Rules 3 and 6 refusal of joint declaration also not proper. [*Dharam Pal v. Union of India*, 2000 (2) SLJ 309 (CAT) (Chandigarh); see also *Har Neer Kaur v. State*, 2009 (120) FLR (Sum) 3 (Raj)].

A citizen is a mere spectator to what State Authority do and decide. If the hospital has charged over and above the package rate, the respondent is under an obligation to pay such charges as the petitioners has incurred over package rates at the first instance and if in law State can recover from the hospital concerned they may do so but they cannot deny their liability to pay the governed employee, who is entitled for medical reimbursement. [*Randeep Kumar Rana v. Union of India*, 2004 (3) DLT 473 (DB); *J.K. Saxena v. Govt. of NCT of Delhi*, 2006 (1) SLJ 178 (Del)].

4. Travelling Allowance for Medical Attendance Journeys.—(1) When the place at which a patient falls ill is more than five miles by the shortest route from the consulting room of the authorised medical attendant,—

- (a) the patient shall be entitled to travelling allowance for journey to and from such consulting room, or
- (b) if the patient is too ill to travel the authorised medical attendant shall be entitled to travelling allowance for the journey to and from the place where patient is.

(2) Application for travelling allowance under sub- rule (1) shall be accompanied by a certificate in writing by the authorised medical attendant stating that medical attendance was necessary and if the application is under Clause (b) of that sub-rule that the patient was too ill to travel.

Note 1.—Conveyance charges incurred by a compounder or a laboratory assistance who comes to the residence of the patient to administer injections, etc, are not refundable.

Note 2.—As regards travelling allowance (not printed).

5. Consultation with Specialist.—(1) If the authorised medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, he may, with the approval of the Chief Administrative Medical Officer of the State (which shall be obtained beforehand unless the delay involved entails danger to the health of the patient)—

- (a) send the patient to the nearest special or other Medical Officer as provided in Clause (c) of Rule 2, by whom, in his opinion, attendance is required for the patient ; or

- (b) the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient :

Provided that where such specialist or other medical officer is within the District, the approval of the Principal Medical Officer/Chief Medical Officer/Civil Surgeon of the District shall be sufficient.

(2) A patient sent under Clause (a) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to the travelling allowance for the journeys to and from the head-quarters of the specialist or other medical officer.

(3) A specialist or other medical officer summoned under Clause (b) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

Note 1.—A Civil Surgeon or any Government Medical Officer in the Centrally Administered areas is not entitled to charge any fees for professional services rendered to a Government servant on the advice of the authorised medical attendant of the Government servant concerned.

Note 2.—The provision of Rule 5(1) should be strictly observed *i.e.*, the approval of the Chief Administrative Medical Officer should be obtained in all cases falling within the scope of this rule, irrespective of whether a journey involving the grant of travelling allowance is undertaken or not, for purpose of consulting a specialist or other medical officer.

Note 3.—A patient should not be referred to a private specialist, practitioner or Clinic and under any circumstances to a specialist or medical officer—Government or private—outside the State.

6. Medical Treatment.—(1) A Government servant shall be entitled, free of charge to entrustment—

- (a) in such Government hospital at or near the place where he falls ill as can in the opinion of the authorised medical attendant provide the necessary and suitable treatment; or
- (b) if there is no such hospital as is referred to in sub- clause (a) in such hospital other than a Government hospital as or near the place as can in the opinion of the authorised medical attendant, provide the necessary and suitable treatment.

(2) Where a Government servant is entitled under sub-rule (1) free of charge, to treatment in hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be reimbursed to him by the Central Government :

Provided that the controlling officer shall reject any claim if he is not satisfied with its genuineness on the facts and circumstances of each case after giving an opportunity to the claimant of being heard in the matter. While doing so, the controlling officer shall communicate to the claimant the reason, in brief, for rejecting the claim and the claimant may submit an appeal to the Central Government within a period of forty-five days of the date of receipt of the order rejecting the claim.

7. Treatment at Residence.—(1) If the authorised medical attendant is of opinion that owing to the absence or remoteness of a suitable hospital or the severity of the illness, a Government servant cannot be given treatment as provided in Clause (a) of sub-rule (1) of Rule 6, the Government servant may receive treatment at his residence.

(2) A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him as sum equivalent of the cost of such treatment he would have been entitled, free of charge, to receive under these rules if he had not been treated at his residence.

(3) Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorised medical attendant stating—

- (a) his reasons for the opinion referred to in sub-rule (1); and
- (b) the cost of similar treatment referred to in sub-rule (2).

Note 1.—If the authorised medical attendant certifies that the Government servant required hospital treatment but that no accommodation was available at the recognised hospital, then the fees paid for medical treatment at the patient's residence may be reimbursed to the extent of what would have been paid by the Government had the treatment been received at the hospital.

Note 2.—For the purpose of calculating the sum admissible under this rule in any particular case the charges for accommodation and diet should be excluded and only the charges for medical attendance, nursing, medicines including injectibles and dressings taken into account.

8. Other medical facilities.—(1) Charges for services rendered in connection with but not included in medical attendance on or treatment of a patient entitled, free of charge to medical attendance or treatment under these rules, shall be determined by the authorised medical attendant and paid by the patient.

(2) If any question arises as to whether any service is included in medical attendance or treatment it shall be referred to the Government and the decision of the Government shall be final.

Note 1.—*Ex-gratia* refund and refund as a special case require the concurrence of the Ministry of Finance and the Ministry of Health.

Note 2.—Treatment by a private dentist or Oculist is not admissible under any circumstances whatsoever even if it is had on the advice of the authorised medical attendant.

Note 3.—Expenses incurred by a Government servant or a member of his family on treatment for "Venereal Diseases" and "Delirium Treatments" are not reimbursable.

[G.I., M.H., O.M.S. 14011/5/75, M.C. dated 13-10-1975]

Note 4.—Reimbursement of expenditure incurred on account of treatment of sterility will be admissible.

[G.I., M.H., O.M.S., No. 14025/5/73, M.C. dated 21-9-1974]

Note 5.—Expenses incurred in connection with an operation for sterilisation are refundable, irrespective of the fact that this is intended to serve as a measure of family limitation.

Note 6.—Expenses incurred by the Central Government servant on medical termination of pregnancy has been performed at Government hospital or other institution approved under the Medical Termination of Pregnancy Act, 1971 and also recognised under the C.S. (M.A.) Rule, 1944.

[G.I., M.H. O.M. No. 5-14012/2/74, M.C. dated 10-2-1976]

Note 7.—“General Debility” or “Secondary Anamia” is covered by the Medical Attendance Rules.

9. Counter-signature of Certificates.—The Controlling Officer of a patient may require that any certificate required by these rules to be given by the authorised medical attendant for travelling allowance purposes shall be counter-signed—

- (a) in the case of a certificate given by the principal medical officer of a district by the Chief Administrative Medical Officer of the State; and
- (b) in the case of a certificate given by any other medical officer, by the principal medical officer of the district.

10. Transfer to Foreign Service.—No Government servant shall be transferred to foreign service unless the foreign employer undertakes to afford to him so far as may be, privileges not inferior to those which he would have enjoyed under these rules if he had been employed in the service of the Government of India.

11. (1) A Government servant shall be eligible to obtain medical treatment outside India or, as the case may be, to claim reimbursement of the cost of medical treatment obtained inside or outside India in accordance with the provisions of this rule.

(2) A Government servant desirous of availing of medical treatment outside India may make an application through the Department/Ministry to which the Government servant is attached to the Standing Committee established under this rule, in the form specified by the Standing Committee.

(3) A Government servant desiring to avail of medical treatment outside India for himself or for a member of his family for any treatment specified in the Table below shall, subject to the other provisions of this rule, be eligible for medical treatment outside India.

TABLE

- (i) Cardio Vascular Surgery ;
- (ii) Kidney transplant ;
- (iii) Other organ transplants ;

- (iv) Joint replacements and surgery ;
- (v) Bone marrow transplants ;
- (vi) Certain type of medical and oncological disorder, such as Leukaemia and neoplastic conditions ;
- (vii) Micro vascular surgery and Neuro surgery ;
- (viii) Treatment with Laser which obviates the need of open surgery ;
- (ix) Treatment with Argon, Krypton and Yag Laser in Ophthalmic cases ;
- (x) Extra corporeal stone disintegration by ultrasonic shock waves.

(4) It shall be competent for the Central Government to review from to time the list of treatment facilities as specified in the Table to sub-rule (3) and make such additions or deletions as it may deem fit by notification in the Official Gazette.

(5) The Central Government may, for purposes of this rule, constitute a Standing Committee consisting of—

- (a) the Director General of Health Services in the Ministry of Health in the Central Government ;
- (b) the Director-General of Armed Forces Medical Services ;
- (c) the Director-General of the Indian Council of Medical Research, and
- (d) the Joint Secretary in the Ministry of Health and Family Welfare (Convener), for purpose of considering and recommending to the Central Government cases for medical treatment outside India.

(6) On receipt of an application for medical treatment outside India, the Standing Committee may, if after due consideration, satisfied that the ailment or treatment can be treated only outside India, issue a certificate to the concerned Department or Ministry to which the applicant Government servant is attached conveying its approval of the application and the concerned Department or Ministry shall, on the strength of that certificate incur necessary expenditure in getting the Government servant concerned or the member of his family treated outside India in accordance with the procedure, laid down by the Standing Committee.

(7) It shall be competent for the Central Government to authorise reimbursement of expenditure on medical treatment obtained outside India, if it is satisfied that the prior approval could not be obtained by the Central Government servant due to circumstances beyond control :

Provided that the Government servant fulfill all other conditions relating to medical treatment outside India under this rule.

(8) The Standing Committee, may, if it is satisfied that in the interest of the Government servant or the member of his family obtaining treatment abroad it is essential so to do recommend one attendant to accompany the Government servant or the member of his family, as the case may be and the expenditure so incurred shall also be eligible for reimbursement.

(9) Where the Standing Committee, in receipt of an application for medical treatment outside India consider that adequate facility for treatment of the ailment sought to be treated is available in any medical institution within India, it shall record such a finding and authorise treatment of such ailment in such medical institution within India whereupon the cost of such treatment shall be reimbursed.

(10) For purposes of sub-rule (9), the Ministry of Health in consultation with the Standing Committee shall, from time to time, notify the names of such institutions alongwith the ailments and the types of treatment available in such institutions.

(11) The scale of expenditure and the eligibility for treatment for which a Government servant or a member or his family shall be entitled, shall be identical to the scale of expenditure and the eligibility of an official of the India Foreign Service of the corresponding grade in the Ministry of External Affairs under any Assisted Medical Attendance Scheme for the time being in force.

GOVERNMENT'S DECISION

Copy of O.M. No. S. 14020/5/92-MS, dated 28-9-1992, Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi

Subject : CS (MA) Rules, 1944 —Admissibility of medical claims for Reimbursement for treatment taken at private hospital in emergency—Clarification thereof.

The undersigned is directed to say that in the Standing Committee (ICM) Meeting held on 2-4-1992, *vide* item No. 64—Medical Treatment, Staff Side desired that orders may be issued for clarifying the position that the orders already exist for the relaxation of the conditions for reimbursement of the medical expenditure where treatment was taken in as emergency from private, hospital, as in many of the departments the claims are rejected even without forwarding them to the Health Ministry for relaxation.

2. It is, therefore, brought to the notice of all Ministries/Departments etc. that Ministry of Health and Family Welfare *vide* O.Ms. No. S 14012/5/75-MC (MS) dated 23-2-1977 and 7-5-1979 and further clarified *vide* O.M. dated 16-6-1982 that powers have been delegated to the Heads of the Departments/ Ministries to allow reimbursement in respect of treatment obtained in emergency at private hospitals as per the ceiling prescribed in the Annexure to the O.M. dated 23-2-1977 without envisaging any ceiling of the total amount to be reimbursed.

3. Further, it is brought to the notice to all concerned that it is provided under the Rules 3(ii) and Rule 6(2) (and also *vide* Government of India Decision 3 below and Appendix XII of the Compilation of the CS (MA) Rules, 1944 that the Controlling Officer in the Ministries/Department is fully empowered to reject any medical claim which do not satisfy the genuineness and other requirements under the provision of the rules without consulting the Ministry of Health and Family Welfare. The cases which require clarification of doubt or interpretation or application of the rules or the cases where the Controlling officer is satisfied that the case justify the relaxation of the rules need only be referred to the Directorate General of Health Services, who, if required, may refer the case to the Ministry of Health and Family Welfare.
