



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन  
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.4345/1022/2015

Dated:-21.04.2016

In the matter of:

Shri Animesh Mahendra,  
Asst. Comdt. 7969,  
AWS-7, R203  
Central Reserve Police Force,  
Talegaon,  
Pune-410507

..... Complainant

Versus

Central Reserve Police Force,  
(Through Director General),  
Block No. 1, C.G.O. Complex,  
Lodhi Road,  
New Delhi-110003. R204

..... Respondent

Date of hearing : 08.01.2016, 12.04.2016

Present :

08.01.2016

1. Shri Animesh Mahendra, Complainant.
2. S/Shri S.S. Sejwal, Law Officer, Arvind P. Anand, Dy. Comdt. & R.N. Parvek, P/Officer, CRPF, on behalf of the Respondent.

12.04.2016

1. Complainant absent.
2. S/Shri S.K. Das, AD (Admn.) and R.N. Pareek, P/O, CRPF on behalf of the Respondent.

O R D E R

The above named complainant, father of Master Shivan Mahendra, who is suffering from congenial bilateral profound hearing loss, filed a complaint dated 15.05.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non-reimbursement of medical expenses incurred on Cochlear implant surgery of his only son, a child with 100 hearing impairment.

2. The matter was taken up with the respondent vide this Court's letter of even number dated 04.06.2015 followed by reminder dated 23.10.2015.

3. As no reply was received from the respondent, a hearing was scheduled in this matter on dated 08.01.2016.

4. During the hearing on 08.01.2016, the complainant submitted that his son Master Shivan Mahendra is suffering from congenial bilateral profound hearing loss. The hearing loss is 100%. His

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son was not showing any improvement in hearing after using the hearing Aids since April, 2013 and continuous Speech Therapy and Auditory Evaluation. He preferred to get his son's surgery done at Cumbada Hill Hospital, a private Hospital in Mumbai as no other government hospitals were performing Cochlear implant surgery at that time. His application was forwarded by his establishment for seeking prior permission for surgery from private hospital with direction to claim reimbursement of ceiling amount of maximum Rs.5.35 lakhs but the permission was not granted with the observation that his application is not as per provisions of the Rules of the Government of India. He represented to the Ministry of Health and got the permission of the Ministry of Health and submitted papers to his Department but the Department did not grant permission with the same observations that his application is not as per provisions of the rules of the Government of India. At that time his son was 2-1/2 years old and time was passing for surgery. He had no option but to get the surgery of his son done at the private hospital. His son was operated upon at Cumballa Hill Hospital, Mumbai on 24.09.2014 and was implanted with Cochlear Nucleus-6 devise for Rs.11.58 lakhs plus another Rs.1.20 lakhs as surgery charges. After that he approached this Court. His only request is to reimburse the ceiling amount maximum of Rs.5.35 lakhs so that he may be able to get Cochlear implant surgery of other ear of his son alone, who is now 4-1/2 years old.

5. The representative of the respondent submitted that they have not received the papers about the complaint of Shri Animesh Mahendra. He had sent his application regarding prior permission for Cochlear implant Surgery of his son scheduled on 24.09.14 from Cumballa Hill Hospital, Mumbai (private hospital) to the Inspector General of Police, CRPF, Western Sector, Mumbai and not to this Directorate. So they have no relevant papers to examine this case and to give reply. He requested this Court to grant time of four weeks to give reply after collecting the relevant record from the office of Inspector General of Police, CRPF, Western Sector, Mumbai.

6. After hearing both the parties, this Court granted four weeks time to the respondent for giving the reasoned reply to the application of the complainant to this Court and to the complainant. The case was listed for 01.03.2016 which was rescheduled for 12.04.2016.

7. None appeared on behalf of the complainant, nor any intimation was received about his inability to attend the hearing on 12.04.2016. The complainant vide his letter dated 25.02.2016 had informed that his friend Shri Saurabh Awasthi will attend the hearing on his behalf.

.....3/-



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8. The representative of the respondent submitted that the son of the complainant underwent Cochlear Implant Surgery on 24.09.2014 at Cumballa Hill Hospital, Mumbai, which is a purely private hospital As per Para 3 & 7 of Government of India, Ministry of Health & Family Welfare's O.M. dated 12.06.2009, the complainant does not fulfill the conditions prescribed for reimbursement of cost of Cochlear Implant Surgery. However, they will consider the reimbursement after receipt of complete documents from IGP, Western Centre, Mumbai, who is the Controlling Officer for the unit in which the complainant is working. Financial Powers with the Director-General are upto Rs.2 Lakhs only. Thereafter the case will be referred to the Ministry of Health Affairs.

9. On the basis of information on record and hearing the representative of the respondent, it is noted that the complainant has spent Rs.11.58 lakh plus another Rs.1.20 lakh for Cochlear Implant Surgery of his son. He is a CGHS beneficiary, which permits upto Rs.5.35 Lakhs for the procedure. However, the procedural lapse is that he has not taken prior permission to take treatment from a private hospital. A lot of time has already been lost in intra department correspondence. The Court orders that reimbursement to the extent permissible restricting the reimbursement to the charges for same procedure in a Government hospital may be considered by the respondents favourably and, if necessary, relaxation may be obtained from the Competent Authority, Ministry of Health & Family Welfare. Compliance Report of this Order may be sent to this Court within 60 days from the date of receipt of this order.

10. Ordered accordingly.

( Dr. Kamlesh Kumar Pandey )  
Chief Commissioner  
for Persons with Disabilities.

N.O.O.

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