

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 37420 OF 2025

Between:

1. The Union of India, Represented by The Secretary to the Government of India, Ministry of Information and Broadcasting, Prasar Bharati, New Delhi
2. The Dy Director General (Engineering),, Akashvani (All India Radio), Hyderabad

...PETITIONERS

AND

1. The Central Administrative Tribunal, Hyderabad Bench,.HACA Bhavan, Hyderabad Rep. By its Registrar
2. Sri Y. Adinarayana, S/o: Shri Y. Sanjeevaiah, aged about 60 years, Engineering Assistant (Retd.), Akashvani (All India Radio), Hyderabad Address- 1-2-18, Flat- 101, Mohini Mansion, Gagan Mahal Road, Domalguda, Hyderabad - 500029

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ or Order or Direction more particularly one in the nature of Writ of Certiorari or any other appropriate Writ, Order or Direction, calling for the records relating to and connected with the order dated 07/08/2025 passed by the Honorable Central Administrative Tribunal, Hyderabad Bench, in O.A. No. 021/236 /2022 filed by Respondent No.2, herein, quash and set aside the same as it is contrary to law and perverse- and Pending disposal of this Writ Petition stay the operation and implementation of the Order dated 07/08/2025.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dated 07-08-2025 passed in OA No 021/236/2022 passed by the Hon'ble Central Administrative Tribunal Hyderabad Bench, the 1st Respondent herein, in the interest of justice.

Counsel for the Petitioners: SRI N. BHUJANGA RAO
Deputy Solicitor General of India

Counsel for the Respondents: ----

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.37420 of 2025

Dated: 08.12.2025

Between:

Union of India,
Representing by the Secretary to the Government of India,
Ministry of Information & Broadcasting,
Prasar Bharati, New Delhi,
and another.

...Petitioners

and

The Central Administrative Tribunal,
Hyderabad Bench,
HACA Bhavan, Hyderabad,
Represented by its Registrar,
and another.

...Respondents

ORDER:

Sri N.Bhujanga Rao, learned Deputy Solicitor General
of India, appears for the petitioners.

2. Union of India and another have preferred this writ
petition aggrieved by the order dated 07.08.2025 passed in

OA/021/236/2022 by the learned Central Administrative Tribunal, Hyderabad Bench (hereinafter referred to as, "the Tribunal").

3. The case relates to medical reimbursement to respondent No.2 - employee of petitioner No.2, who was the applicant before the learned Tribunal (hereinafter referred to as, "the employee"). During COVID-19, in an emergency condition he was admitted as an in-patient with uncontrolled DM, HTN, Bronchial Asthma etc., in Krishna Institute of Medical Sciences (KIMS), Secunderabad. Fortunately, he survived and was discharged on 08.04.2021. His wife also suffered high degree of COVID-19 RTPCR positive and was treated for severe medical complications in the same hospital. She also survived and was discharged on 25.04.2021. The only mistake that the employee did was not to inform the department while undergoing treatment in the hospital. The hospital undisputedly was an empanelled hospital in respect of CGHS beneficiaries. The bills of Rs.21,39,821/- were reimbursed only to the extent of Rs.3,47,678/- by

petitioner No.2 by the proceedings dated 20.12.2021. The balance claim of Rs.17,92,143/- was rejected. With this grievance, the employee approached the learned Tribunal. The matter was argued on merits. Learned Tribunal referred to the decisions of the Apex Court in the cases of **State of Karnataka v. R.Vivekananda Swamy¹, Shiva Kant Jha v. Union of India** (W.P (Civil) No.694/2015, dated 13.04.2018) and other decisions, including the instructions dated 15.06.2020 of the Government of Telangana, which provided ceiling on prices for treatment of COVID-19 in private and empanelled hospitals. The hospital has ignored the Government Order and overcharged the employee. Learned Tribunal, on consideration of the materials on record in depth, observed that the employer should not have restricted the reimbursement claimed by the employee as raised by the hospital, which is empanelled with the State Government authorities. It also observed that the employer can take action against the hospital for overcharging the CGHS beneficiaries rather than punishing its own employees by

¹ (2008) 5 SCC 328

not sanctioning the amount claimed, since the treatment was already obtained and payment had already been made by the employee. Learned Tribunal directed the petitioners herein to reconsider and settle the claim of the employee with full reimbursement within one month from the date of receipt of a copy of the order.

4. On behalf of the petitioners, learned Deputy Solicitor General of India submits that as per Office Memorandum dated 13.09.2019 issued by the Ministry of Health and Family Welfare, Government of India, CGHS empanelled hospitals cannot refuse to provide treatment to bona fide beneficiaries in emergency cases and other eligible categories of beneficiaries on credit basis without valid ground, as it would attract disqualification. They would also not refuse admission or demand an advance payment from the CGHS beneficiaries or their family members and would provide credit facilities to the patients. He has also referred to the Office Memorandum dated 09.11.2017 which relates to the procedure for treatment at private hospitals empanelled under CGHS/Central Services

(Medical Attendance) Rules, 1944. Learned Deputy Solicitor General of India submits that the reimbursement claimed by the employee was above the ceiling prescribed for CGHS beneficiaries while undergoing treatment in the empanelled hospitals. The employee has not informed the department while undergoing treatment in the hospital. The authorities are bound by the prevailing office memoranda as regards the reimbursement of medical expenses. Therefore, the learned Tribunal's order suffers from errors.

5. We have considered the submissions of the learned Deputy Solicitor General of India appearing for the petitioners.

6. The learned Tribunal has taken note of both G.O.Rt.No.248, dated 15.06.2020, and the fact that though the employee was a CGHS beneficiary, both he and his wife, had not informed the department about their hospitalisation and treatment in KIMS Hospital, Secunderabad. The learned Tribunal, however, was of the view that the employee and his wife were admitted in emergency situation and no one was there who could

inform the department about their hospitalisation and treatment. In such circumstances, the denial of reimbursement of medical expenses by the department instead of taking action against the hospital which has overcharged the CGHS beneficiaries, is not an approach expected by the employer.

7. COVID-19 presented such grave situation where human lives were lost without any treatment in a matter of few days. In the present case, the employee and his wife both fortunately survived. Despite being a CGHS beneficiary, if the hospital charged above the ceiling rates, the employer could proceed against the hospital in question instead of denying the reimbursement to the employee, who had settled the claim with the hospital on being discharged.

8. In the aforesaid view of the matter, we do not find any reason to interfere in the impugned order.

9. The writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. One CC to Sri N. Bhujanga Rao, Deputy Solicitor General of India [OPUC]
2. Two CD Copies

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HIGH COURT

DATED:08/12/2025



ORDER

WP.No.37420 of 2025

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

*4 copies
for
17/12/25*