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LAW DEPARTMENT

NOTIFICATION

The 27th June, 2013

S.R.O. No. 449/2013— In compliance to the direction of the Hon'ble Apex Court in W.P.(C) No.1022/1989, dated the 26th July, 2010 and accepting the recommendation of Justice Shetty Commission the Government after careful consideration issued the following orders.

Objectives:

To provide comprehensive Medical care facilities to the Judicial Officers/ Pensioners and Members of their families.

Title & Commencement:—

1. These orders may be called the Odisha Judicial Officers (Medical Attendance) Order, 2013.

They shall come into force with effect from the date of issue of these orders.

2. Definition: In these orders unless the context otherwise requires:—

(i) "Authorized Medical Attendant" means an Assistant Surgeon or Junior Assistant Surgeon or a Medical Officer of equivalent rank employed in recognised Institution whether Allopathic, Ayurvedic, Unani or Homeopathic within the State of Odisha located at or near the place where the member or a member of his family who has fallen ill, resides:

(ii) "**Controlling Officer**" means—

(a) The Officers who are empowered to countersign the T.A. Bill of the Judicial Officers in service.

(b) In case of an Officer/Pensioner or members of the family or the District Judge of the place where Officer is working or the Pensioner has opted to settle.

(iii) “**Essentiality Certificate**” means the certificate granted by the Authorized Medical Attendant/ Medical Officer on the application for claiming reimbursement of Medical expenses in Form “A”.

(iv) “**Judicial Officer**” means an Officer appointed under Articles 233 and 234 of the Constitution of India and includes an officer on transfer, deputation, re-employment or retired from service.

(v) “**Member of the family**” means husband, wife, unmarried son, dependant father, mother and not in laws, unmarried daughter, father, mother, dependant step children and in case of female Judicial Officers, in addition to the above , their father-in-law and mother-in-law who are dependant.

(vi) “**Medical Attendance**” means attendance at all Government Medical College Hospitals, notified Hospitals, diagnostic centres for pathological , radiological or other methods of examination for the purpose of diagnosis.

(vii) “**Patient**” means a Judicial Officer/retired Judicial Officer/dependant family members only.

(viii) “**Hospital**” means a hospital or a dispensary maintained by the State Government or a local authority and any other hospital or dispensary or a Primary Health Centre with which arrangements have been made by the State Government for the treatment of the member and the members of their family.

(ix) “**Treatment**” means the use of all Medical and Surgical facilities available at the Hospital, and includes—

- (i) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorized Medical attendant;
- (ii) the supply of such medicines, vaccines, sera or other therapeutic substance as are ordinarily available in the hospital;
- (iii) such nursing as is ordinarily provided to inpatient by the hospital; and
- (iv) such Specialist consultation as may be considered necessary by the Medical attendant.

3. Reimbursement of Medical expenses:—

(i) Judicial Officers shall be entitled to claim expenses incurred by them for medical attendance and treatment, as outpatient or in-patient, obtained by them and their eligible family members in Medical College Hospitals, other Hospitals maintained by Government or other notified hospitals as notified by Government from time to time. The expenses shall be inclusive of the charges of accommodation (to which a serving Judicial Officer is entitled) in the place where such treatment is taken.

(ii) Judicial Officer shall be entitled to claim expenses incurred by them or dependant members of their family at any diagnostic centre for pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis subject to recommendation of such diagnosis by authorized medical practitioners.

(iii) Reimbursement shall be as to the actual entitlement and essentiality except to the extent of inpatient room entitlement. Further there shall not be any ceiling on reimbursement of expenditure on expensive treatments like kidney transplant, bone marrow transplant, open heart surgery or such other treatment as advised by specialized treating physician. Full reimbursement of actual expenses shall be allowed.

4. Claims for reimbursement of medical charges:—

(1) All claims for refund of expenses incurred on account of the purchase of special medicines shall be accompanied by the “essentiality certificate” in Form No. ‘A’ from the authorized medical attendant and countersigned by the Chief Medical Officer/ Sub-Divisional Medical Officer or any other medical officer authorized by the Director of Health Services. The countersigning officer shall satisfy himself that the authorized medical attendant has complied with these rules, the verification of medicines being made with reference to the lists of non-imbursement medicines specified by the Director of Health Services from time to time.

(2) Claims for reimbursement for the expenses incurred in connection with medical charges shall be preferred in Form ‘B’ and shall be sent to the Controlling Officer within a period of one year. Claims preferred after the said period of one year shall be subject to pre-audit by the Accountant General.

(3) There shall not be any restriction on reimbursement except to the extent of inpatient room entitlement. Further, there shall not be any ceiling on reimbursement of expenditure on expensive treatment like kidney transplant, open heart surgery, etc., referred to in column 3 (iii) full reimbursement of actual expenses shall be allowed.

(4) The State Government may specify from time to time the rates to be charged by any diagnostic centre, hospital or dispensary notified by the Government of Odisha under the Odisha Services (Medical Attendance) Rules, 1947 or the Odisha Legislative Assembly Members (Medical Attendance) Rules, 1965 and may obtain from them an undertaking that they charge the Judicial Officers of their members of the family according to the rates specified in the said notification and incase, they charge more than the specified rates, as per the Government Notification, they shall

not only refund the said amount to the Government, but also, that their recognition shall automatically be withdrawn by the Government without further notice.

Provided that the claim of the Judicial Officer on the basis of bills issued by such hospitals shall not be dishonoured on this ground, but the reimbursement be made first and thereafter, steps may be taken by the Government for recovery of excess amount charges by the hospitals or dispensary.

5. Journey for Medical purpose:—

(a) When the place at which the patient falls ill is not the headquarters of the authorized medical attendant—

(i) the patient shall be entitled to travelling allowance for the journey to and from such headquarters; or

(ii) if the patient is too ill to travel the authorized medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient resides.

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

(c) If the authorized 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 Director of Health Services (which shall be obtained beforehand unless the delay involved entails danger to the health of the patient)—

(i) send the patient to the nearest Specialist or other Medical Officer, as provided in sub-rule (d) of rule 3 by whom in his opinion medical attendance is required for the patient; or

(ii) if the patient ill is to travel, summon such Specialist or other Medical Officer to attend upon the patient;

(iii) if the authorized medical attendant is of the opinion that it would be unsafe for the patient to make the journey to the Specialist attended, the authorized medical attendant may either himself accompany the patient to the destination or arrange that some other person should do this, in that case the attendant, if a member, he shall draw travelling allowance for the outward and return journey, if not a member, he shall be entitled to actual travelling expenses.

(d) A patient sent under clause (i) and (iii) of sub-rule (c) shall on production of certificate in writing by the authorized medical attendant, in this behalf, be entitled to travelling allowance for the journey to the headquarters of the Specialist or other Medical Officer.

(e) A Specialist or other Medical Officer summoned under clause (ii) of sub-rule (c) shall on production of a certificate in writing by the authorized medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

(f) When a patient is carried in an Ambulance from his or her residence to the hospital or from one hospital to another hospital the Ambulance charges paid at the prescribed rate shall be reimbursed to the concerned member on production of certificate from the Chief District Medical Officer/Sub-Divisional Medical Officer of the hospital to which the Ambulance is attached, that journey in Ambulance Car was essential:

Provided that the Ambulance charges shall not be reimbursed, if the Ambulance does not belong to Government or local fund or any recognised hospital.

6. Special treatment in certain cases:—

If an authorized medical attendant is of the opinion that the case of the patient is of such serious or special nature as to require medical attendance outside the State of Odisha, he may with the approval of the Director of Medicine & Education Training (DMET) (which shall be obtained beforehand or else the delay involved entails danger to health of the patient) send the patient to the Medical College Hospital/ Notified Hospital/ Medical Research Centre where Allopathic, Ayurvedic, Unani or Homoeopathic where such treatment is available or if the patient is too sick to undertake journey, may require the attendance of such specialist or medical officer to attend to such patient, with the approval of State Government only.

7. The District Judge of the place where the Judicial Officer/ retiree Judicial Officer or Members of their family resides is authorized to sanction the reimbursement of expenses incurred by the Judicial Officers/ retiree Judicial Officer and Members of their family.

8. Prescriptions, Money Receipts, Cash Memos and Discharge Certificates, other authentic Medical Certificates issued by Competent Authorities of the concerned Institution, Hospital or Medical Store of the same financial year shall be valid documents for entertaining the claims, passing the bills, sanctioning payments as the case may be.

9. Judicial Officers/retiree Judicial Officer and their family members subject to allocation of funds shall be entitled to advance to meet the medical expenses for treatment

up to 80% of the estimate and the balance be paid after approving the bill when the same is produced. The District Judge shall exercise the power to sanction such advance to them. Such advance subsequently will be adjusted against sanction duly made.

10. For medical treatment of Judicial Officer/ Pensioners and members of their family the hospitals/ institutions in India are recognised and notified as follows as per Annexure-I to this order.

This has been concurred in by Finance Department vide their U.O.R. No.3/PCC., date the 18th January, 2013.

ORDER

Ordered that this Notification be published in an Extraordinary issue of *Odisha Gazette* and copies forwarded to all Departments of Government/Heads of Department/ Accountant General (A & E/Audit), Odisha, Bhubaneswar, Deputy Accountant General, Puri.

[No.6402-VJ/7-4/2013/L.]

By Order of the Governor

S.PUJAHARI

Principal Secretary to Government

ANNEXURE – I

- (i) All State Government Hospitals.
- (ii) All Medical College Hospitals run by Government.
- (iii) All India Institutes or Medical Sciences, New Delhi/Bhubaneswar.
- (iv) Kalinga Institute of Medical Science (KIIMS), Patia, Bhubaneswar.(now renamed as Pradyumna Bala Memorial Hospital).
- (v) Aditya Care Hospital, Plot No.329/1329(P), Chandrasekharpur.
- (vi) Appollo Hospital, Bhubaneswar.
- (vii) Sum Hospital, Bhubaneswar-751003.
- (viii) Panda Diagnostics (Cancer Institute) Curie Centre.
- (ix) Hope Diagnostics, Plot No.55, Meti House behind Ram Mandir, Unit-III, Bhubaneswar.
- (x) L.V.Prasad Eye Hospital, Bhubaneswar.
- (xi) B.M.Birla Heart Research Centre, 1/1, National Library Avenue, Kolkata-700027.
- (xii) Sankar Netralaya, Chennai.
- (xiii) Ayush Hospital, Acharya Vihar, Bhubaneswar.
- (xiv) Millennium Eye Hospital, CRP Square, Bhubaneswar.
- (xv) Kanungo Institute of Diabetes Specialities, Plot No.1120, Dumuduma, Bhubaneswar.
- (xvi) Hemalata Hospital and Research Centre, Bhubaneswar.
- (xvii) Aswini Hospital, CDA, Cuttack.
- (xviii) Dr. J.P.Das Heart Clinic, Cuttack.
- (xix) Dr. D.Das Dental Clinic, Mangalabag, Sishu Bhawan, Cuttack.
- (xx) Cosmetic Dental Clinic & Orthodontic Centre, Dindayal Bhavan, Market Complex, 2nd Floor, Room No.12, Bhubaneswar.
- (xxi) Indian Spinal Inquiry Centre, Vasant Kunj, New Delhi.
- (xxii) Appollo Hospital, E-2, Sector-26, Noida (for orthopaedic Surgery & Joint replacement).
- (xxiii) Rotary Eye Hospital, CDA, Cuttack.
- (xxiv) Tata Memorial Cancer Institute, Mumbai.
- (xxv) Sanjivani Hospital, Samantarapur, Bhubaneswar.
- (xxvi) Institute of Dental Science, Sum Hospital, Bhubaneswar.
- (xxvii) Any other hospital/Diagnostic Centre/Medical Institute/Medical Clinic/ Medical Centre whether Allopathic, Ayurvedic, Unani or Homoeopathic.

ANNEXURE-II

FORM 'A'

[vide rule -6(1)]

ESSENTIALITY CERTIFICATE

I certify that Shri/Smt. _____ Judicial Officer/ member of the family of the Judicial Officer, has been under my treatment for _____ disease from _____ to _____ at the _____ hospital/dispensary/in consulting room and that the under mentioned medicines prescribed by me in this connection were essential for the recovery/prevention of serious deterioration in the condition of the patient. The medicines are not stocked in the _____ Hospital/dispensary, for supply to Private Patients and do not include proprietary preparations for which cheaper substances of equal therapeutic value are available nor preparations which are primarily foods, toilets or disinfections.

Sl. No.	Name of the Medicines	Bill No/Date	Amount
(1)	(2)	(3)	(4)

Signature and Designation of
Authorized Medical Attendant.

Date:

Countersignature of the Medical Officer.

FORM 'B'

[See rule 6(2)]

APPLICATION FORM FOR CLAIMING REFUND OF MEDICAL EXPENSES

1.	Name and designation of the Judicial Officer	
2.	Office in which employed	
3.	Salary	
4.	Place of duty	
5.	Full residential address	
6.	Name of the patient and his/her relationship of Judicial Officer	
7.	Place at which the patient fell ill	
8.	Nature of illness and its duration	
9.	Details for the amount claimed	
10.	Total amount claimed	
11.	List of enclosures	

DECLARATION TO BE SIGNED BY THE JUDICIAL OFFICER

I do hereby declare that the statements in this application are true to the best of my knowledge and belief and that the person for whom medical expenses were incurred is a member of my family as defined under the Odisha Services (Medical Attendance) Rules, 1947 and is wholly dependant on me.

Date:

Place:

No.

Signature of the applicant.

Sanction is accorded for the reimbursement of Medical charges amounting to ₹ _____ (Rupees _____) only incurred by the Applicant in connection with his/her Medical expenses and the cost of reimbursement being met out of the provisions made under the Head

CONTROLLING OFFICER