

CENTRAL INFORMATION COMMISSION
 Appeal No.CIC/WB/A/2006/00922 dated 4.12.2006
Right to Information Act 2005 – Section 19

Appellant - Shri Rajni Kant Swami
Respondent - Delhi Agricultural Marketing Board.

Facts:

By an application of 16.5.06 Shri Rajni Kant of Sahibabad, Distt. Ghaziabad, UP applied to Jt. Secretary (Marketing), Delhi Agricultural Marketing Board for information. To this he received a response on 13.6.06. The chart of questions and response is placed below:

1	The then VC (Sh. X.K. Mahto) had given some directions in the relevant file in the matter of my wife taking treatment from Narendra Mohan Hospital. The same seems to have not been acted upon and communicated to the applicant. A copy of the decision/direction given by the then VC may be made available.	The then VC (Sh. X.K. Mehto) had directed to advice Shri Rajnikant to take treatment from recognized hospital. On approval of competent authority, a letter dated 24.11.2004 was sent to FP & EMC for conveying the decision of competent authority. Copies of the direction of VC, DAMB & above letter are also enclosed.
2	The authority competent to sanction medical /financial / administrative claims of Secretary of the Market Committees under DAMB.	As per Delhi Agricultural Produce Marketing (Regulation) General Rules 2000 Section 37("Marketing Committee is responsible for maintenance of proper checks on all receipts and payments of its officers" and therefore market secretary can settle his own medical /financial / administrative claims, if the same covers under rule however for any special sanction the matter must be referred to VC Board.
3	It may be clarified whether dispensary located in the premises of APMC Azadpur is recognized for seeking medical treatment by employees of DAMB and their dependents. If so, whether	As per CS Medical Attendance Rules 1944, "Govt. Hospital" includes a departmental dispensary whether full time or part time established and run by a department of the Govt. for the

	reimbursement of medical claims on the advice of the Doctor at the said dispensary is in accordance with CSMA Rules, 1944 followed for employees of DAMB for reimbursement of medical claims.	medical attendance and treatment of a class or classes of Govt. Servants and members of their families.
4	Whether in all medical claims of the employees of DAMB that have been reimbursed, the treatment was taken from dispensary, hospital, clinic or other institutions as specified by the Govt. (GNCT of Delhi) from time to time. If not, the other sources from which medical treatment was taken and subsequently reimbursed and whether the same was done in relaxation of extent rules or not.	For reimbursement of medical claim for the employees of DAMB /APMCs it is mandatory that treatment should have been obtained from the hospitals/dispensary approved by Govt. of NCT of Delhi from time to time. However, if the treatment is taken under emergency circumstances from non recognized hospital the medical claim is scrutinized as per Appendix VIII of CS Medical Attendance Rules, 1944.
5	CS(MA) Rules,1944 also provides for appointment of two Authorized Medical Attendants (AMA) for the employees in and around their place of residence for seeking medical treatment. Narendra Mohan Hospital Mohan Nagar, Ghaziabad is a recognized Hospital under CS(MA) Rules,1944 for seeking medical treatment for beneficiaries under CA(MA) Rules, 1944. Please confirm position.	As per CS Medical Attendance Rules, 1944, where no authorized medical attendant has been appointed in a suburban area, the Govt. servant would be free to consult an AMO employed in a Govt. Hospital in the adjoining city.

Not satisfied with this response Shri Rajni Kant moved his first appeal on 10.7.06 before the Secretary and Appellate Authority, DAMB raising several questions on the response received from the PIO. This appeal was accepted by Shri J.S. Sindhu, Secretary, DAMB who by his order of 7.8.06 directed as follows:

“Shri M.G. Prabhakaran, State Public Information Officer is hereby directed to supply the complete information to the appellant within 15 days from the issue of this order. Accordingly, the appeal is allowed and disposed off.”

Further answers to each of the questions raised were accordingly provided to Shri Rajni Kant by Shri P.S. Yadav, DS(M) through his letter of 21.8.06. Questions raised in appeal and answers thereto are as below:

1	A copy of the note sheet where decision was taken after 14.12.2004 in the matter by the Vice Chairman may kindly be provided.	No other decision except what has been conveyed to him vide this office letter No. F. 15(254)/237/2001/DAMB/Part-II/5130 dated 13.6.06 has been taken by the then VC. subsequent to Shri Rajni Kant's meeting with him on 14.12.04.
2	It is therefore, requested to intimate under what rules Marketing Secretaries have been authorized to settle their own medical /financial / administrative claims.	Under Rule 11(8) of DAPM(G) Rules 2000 the Market Secretaries have been authorized vide order No. 12012/67/2004/DAMB/3441-3446 dated 23.3.04 to pass the bill after the same has been scrutinized by the Senior most accounts functionary of the concerned committee. Definition of the Controlling Officer as contained in the Swamy's Master Manual for DDOs and HOs read with para 5 of appendix-XII of CSMA Rules may also refer.
3	It may be categorically clarified whether the dispensary situated in the premises of APMC Azadpur falls in the definition of departmental dispensary and whether treatment sought from there is permissible for reimbursement under the CSMA Rules.	The dispensary situated at APMC Azadpur falls under the definition of departmental dispensary and treatment taken from there is permissible for reimbursement under the CSMA Rules.
4	It is requested to furnish information case wise in which reimbursement was done in relaxation of rules.	In the following cases reimbursement was done in relaxation of rules under emergent circumstances :- 1. Sh. S.P. Ashta, then Executive Engineer. 2. Sh. P.S. Meena, AE 3. Sh. N.K. Gupta, Dy. Secy. (On deputation) 4. Late Sh. Rajpal Jamadar. 5. Late Sh. Om Parkash Beldar. 6. Sh. Radhey Shyam, Accountant. 7. Sh. Dharam Vir Driver 8. Sh. Raghubir, JE© 9. Sh. Phool Kanwar, WM 10. Sh. Suraj Bhan, Operator. 11. Sh. S.S. Malik, JE©

		12. Sh. Raghubir Singh, PO 13. Sh. R.K. Rastogi, DM
5	It may be categorically stated whether Deptt. is agreeable to appointment of two AMAs for the treatment of self and family members and alternatively seek treatment from Narender Mohan Hospital, Mohan Nagar which would be subsequently reimbursed by the Committee.	2 AMAs are allowed as per the provisions contained in the CSMA Rules, 1944. He can seek treatment from Narender Mohan Hospital, Mohan Nagar on the advice of the doctors from Governmental dispensary /hospital followed by permission of the competent authority

Shri Rajni Kant has then moved his second appeal before us in which his prayer is as follows:

“Direct to DAMB to appoint to AMAs for my family members my self as provision of CSMA rules.”

A response has been received to the hearing notice from Shri O.N. Singh Dy. Secretary recalling all the details of the processing of appellant’s RTI Applications concluding as follows:

“He was already informed that no decision was taken by the competent authority to relax the rules vide this office letter No. 15(254)/237/2001/DAMB/ Mktg/ PartII/ 5130 dated 13.6.06. The CS (MA) Rules and orders/ guidelines issued by DHS GNCT Delhi are followed for settlement of medical claim of the employees of DAMB & APMCs.”

The appeal was heard on 7.9.07. The following are present:

1. Shri M.G. Prabhakaran, Jt. Secy. DAMB (PIO)
2. Shri K.C. Katoch, JAO
3. Shi O.N. Singh, Dy. Secretary

Appellant Sh. Rajni Kant Swami had been informed by Notice dated 29.8.2007 regarding the hearing but he has opted not to be present. Shri M.G. Prabhakaran, Jt. Secretary & PIO presented a letter from Shri J.S. Sindhu Secretary authorizing the former to represent him in the hearing. This letter has been placed on record.

We find from the records that according to a letter of 24.1.04 Dy Secy. Shri P.S. Yadav had informed Secretary, FB&EMC Ghazipur, Delhi that the request made by Shri Rajni Kant Swami, UDC has not been acceded to by the competent authority, and that he may be advised to take treatment from a 'recognized' hospital of Delhi. The exercise in the present case of seeking information which has culminated in the second appeal before us appears to stem from this refusal.

DECISION NOTICE

The prayer of Shri Rajni Kant Swami before us that we direct the public Authority to appoint AMAs for his family members is not within the competence of this Commission. We find that all the questions raised by appellant in his original application and in his first appeal stand responded to, nor is there any objection raised by him regarding the response received. Under the circumstances, there remains no cause for further action under the RTI in this matter. **The appeal is, therefore, dismissed.**

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
10.9.2007

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj Shreyaskar)
Joint Registrar
10.9.2007