

15

COMMITTEE ON SUBORDINATE LEGISLATION
(2021-2022)

(SEVENTEENTH LOK SABHA)

FIFTEENTH REPORT

**THE APPELLATE TRIBUNAL FOR ELECTRICITY SALARY ALLOWANCES AND
OTHER CONDITIONS OF SERVICE OF THE OFFICERS AND EMPLOYEES
(AMENDMENT) RULES, 2017 (GSR 39(E) OF 2017)**



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

February, 2022/ Magha, 1943 (Saka)

15

COMMITTEE ON SUBORDINATE LEGISLATION
(2021-2022)

(SEVENTEENTH LOK SABHA)

FIFTEENTH REPORT

**THE APPELLATE TRIBUNAL FOR ELECTRICITY SALARY ALLOWANCES AND
OTHER CONDITIONS OF SERVICE OF THE OFFICERS AND EMPLOYEES
(AMENDMENT) RULES, 2017 (GSR 39(E) OF 2017)**

(PRESENTED TO LOK SABHA ON ...08.02.2022)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2022/ Magha, 1943 (Saka)

COSL No.

PRICE: Rs.

(C) 2020 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi.

CONTENTS

| | Para No. | Page No |
|-----------------------------------|----------|---------|
| COMPOSITION OF THE COMMITTEE..... | (iii) | |
| INTRODUCTION..... | (v) | |

REPORT

| | | |
|---|-----|---|
| I. The Appellate Tribunal for Electricity Salary Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 (GSR 39(E) of 2017) | 1.1 | - |
|---|-----|---|

APPENDICES

| | |
|---|-----------|
| I Copy of Gazette Notification (GSR 39 (E) of 2017) | - 6 - 11 |
| II Summary of main observations/recommendations made by the Committee | - 13 - 16 |
| III Extracts from Minutes of the Fifth Sitting of the Committee (2021-22) held on 30.11.2021 and the Extracts from Minutes of the Eighth Sitting of the Committee (2021-22) held on 15.12.2021. | 17-20 |

MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2021-2022)

Shri Balashowry Vallabhaneni

Chairperson

Members

2. Shri Jyotirmay Singh Mahato
3. Shri Pinaki Misra
4. Shri Chandeshwar Prasad
5. Shri N.K. Premchandran
6. Shri Suresh Pujari
7. Shri A. Raja
8. Shri Nama Nageshwar Rao
9. Shri Sanjay Seth
10. Shri Mahendra Singh Solanky
11. Shri Su Thirunavukkarasar
12. Shri B. Manickam Tagore
13. Shri Ram Kripal Yadav
14. Vacant
15. Vacant

SECRETARIAT

1. Shri R.C Tiwari - Additional Secretary
2. Shri T.S. Rangarajan - Director
3. Smt. Jagriti Tewatia - Additional Director
2. Smt. Vidya Mohan - Under Secretary

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Fifteenth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 30th November, 2021.

3. The Committee considered and adopted this Report at their sitting held on 15th December, 2021.

4. A copy of the Gazette Notification relevant to this Report is included in Appendix-I of the Report.

5. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-II of the Report.

6. Extracts from Minutes of the 30.11.2021 Sitting of the Committee (2021-22) held on 30.11.2021 and Extracts from Minutes of the Eighth sitting of the Committee (2021-22) held on 15th December, 2021 relevant to this Report are included in Appendix-III of the Report.

New Delhi;
February, 2022
Magha, 1943 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

REPORT

The Appellate Tribunal for Electricity Salary Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 (GSR 39(E) of 2017)

The Appellate Tribunal for Electricity Salary Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 (GSR 39(E) of 2017) were published in the Gazette of India, Extraordinary, Part-II, Section 3(1) dated 17.01.2017. The Rules were scrutinized in accordance with laid down norms and various recommendations made by the Committee on Subordinate Legislation, Lok Sabha. On scrutiny of the aforesaid Rules, certain infirmities were observed which were referred to the Ministry of Power to furnish their clarification on the same.

(i) Rule 1(c) - defines 'Empanelled Hospital and Diagnostic Centre as under:

"(c) 'empanelled hospital and diagnostic centre' means the Government Hospitals or diagnostic Centres including of recognized private hospitals and diagnostic centres under Central Government Health Scheme for specialized and general purpose treatment and diagnostic procedures recognized vide Ministry of Health and Family Welfare O.M.. No.24/2001/JD(M)/CGHS(P), dated 7th September, 2001 as amended from time to time, or any private hospital or diagnostic centre notified or Authorised by the Appellate Tribunal".

1.2 It was observed from the above Rule that the definition of empanelled hospital and diagnostic centres included all recognized hospitals or diagnostic centres under CGHS Scheme and also gave the option of any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal. Hence it was felt that having benefit of both CGHS and its own empanelled hospitals may result in the misuse of the scheme.

1.3 The Ministry of Power was, accordingly, requested to furnish their comments on the aforesaid point. The Ministry vide their OM No.27/3/2019-R&R dated 25th July, 2019 submitted the reply as under:

"As suggested by the Lok Sabha Secretariat, the following portion"..... or any private hospital or diagnostic centre notified or Authorised by the Appellate

Tribunal." may be deleted from the definition of "empanelled hospital and diagnostic centre" in the SCHEDULE II to APTEL Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017. APTEL has informed that they have empanelled only CGHS recognized hospitals for treatment of its officers and staff."

1.4 The Committee note that as per the definition given under the Rule, the Officers and Staff are entitled to have treatment either from Government hospitals or diagnostics centres including all recognized private hospitals or diagnostic centres under the CGHS or any private hospitals or diagnostic centre notified or authorised by the Appellate Tribunal. The Committee are surprised to note that inclusion of all hospital or diagnostic centres as recognized by CGHS or any private or diagnostic centre notified or authorised by the Appellate Tribunal would give the option to the Officers and Staff of Appellate Tribunal for Electricity to take treatment from anywhere resulting in running of two parallel medical benefit schemes at a time. The Committee are of the firm opinion that by doing so the medical benefit scheme can be misused, thus either the CGHS or the Appellate Medical attendance or reimbursement scheme should be followed so as to avoid misuse or overlapping of the benefits being drawn from both the available Schemes. The Committee however, be satisfied to note that on being pointed out, the Ministry of Power in response have submitted that APTEL has informed that they have empanelled on CGHS recognized hospital for treatment of its Officers and Staff. The Committee are satisfied to further note from the reply furnished by the Ministry of Power that the Ministry has agreed to delete the words "..... or any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal from the definition of 'empanelled hospital and diagnostic centre' given in the order.

(ii) **Rule 1(d) :**

The Rule reads as under:

'family' shall have the same meaning as assigned to in the Central Services (Medical Attendance) Rules, 1944. It was felt that the definition used in Rules should either be defined in the relevant Act/Statute or should be clearly defined in the Rules.

1.5 In regard to above, the Ministry of Power have submitted vide their OM No.27/3/2019-R&R dated 25th July, 2019 that :

"As suggested by the Lok Sabha Secretariat, definition of family as appearing in the Central Service (Medical Attendance) Rules, 1944 may be incorporated in the definition of 'family' in the SCHEDULE II to APTEL Salary, Allowances and other Conditions of Service of the Officers and Employees(Amendment) Rules, 2017"

1.6 Rule 1(d) of the Rules gives definition of "family" as "family shall have the same meaning as assigned to in the Central Services Medical Allowances Rules, 1944". The Committee are of the view that as far as possible the definitions used in Rules should either be defined in the relevant Act/Statues itself or should be defined in the Rules itself. The Committee have from time to time emphasized that the Rules should as far as possible be self contained and legislation by reference should be avoided. The Committee are of the firm opinion that Rules should be drafted in such manner that no difficulty is caused to the public in locating the reference made in the Rules. The Committee, therefore, would like to reiterate its off repeated recommendation that, Rules as far as possible should be drafted as such where legislation by reference is avoided and where such reference cannot be avoided, the Ministry should append the relevant extract of legislation being referred, to the Rules, so that no difficulty is caused to the public in locating the reference made. The Committee, however, express their satisfaction that on being pointed out, the Ministry of Power have agreed and stated that definition of family as appearing in the Central Service (Medical Attendance) Rules, 1944 may be incorporated in the definition of 'Family' in the Schedule II to APTEL, Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017. The Committee, therefore, also recommend that the requisite amendment to the Rules be carried out at the earliest and the Committee be apprised of the action taken in this regard.

(iii) **Rule 5 - 'outdoor treatment'**

The Rule reads as under:

"Entitlements: (i) Officers and staff shall be entitled to the reimbursement of medical expenses on actual basis for non-hospitalisation cases, for themselves and their family members including dependents on production of prescription from Authorised or Notified medical Practitioners along with bills or cash memos of medicines or tests.

(ii) In the case of superannuated employees of the Appellate Tribunal, the annual ceiling of the expenses incurred on outdoor treatment shall be as per Central government Health Scheme package deal rates or maximum of the Level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower".

1.7 On scrutiny of the Rules, it was observed that the entitlement for reimbursement of medical expenses has been prescribed differently for serving Officers and Staff and that for superannuated employees of Appellate Tribunal for Electricity as reimbursement of medical expense of serving officers and staff has been prescribed to be reimbursed on actual basis whereas for superannuated employees is proposed to be reimbursed as per CGHS packaged rates.

1.8 On being pointed out to the Ministry of Power, the Ministry, vide their OM No.27/3/2019-R&R dated 25th July, 2019 submitted as under:

"APTEL has empanelled only CGHS approved hospitals. APTEL has informed that reimbursement of outdoor treatment in respect of serving officers and staff is being made on actual basis i.e. as per CGHS approved rates only in empanelled hospitals."

1.9 The Committee note that under the Heading 'Outdoor Treatment' in sub-rule (1) of Rule 5 of the Rules under examination, pertaining to 'Entitlements' for reimbursement of medical expenses for Officers and Staff, it has been prescribed on actual basis for non-hospitalisation cases for themselves and their family members including dependents. Whereas, under sub-rule(2) of Rule 5 of the Rules, in cases of superannuated employees of the Appellate Tribunal, the annual ceiling of the expenses incurred on outdoor treatment shall be as per CGHS package deal rates or maximum of the level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower has been prescribed. The Committee are surprised to know that there are two different medical reimbursement processes prescribed for serving and superannuated officers of the same organisation. The Committee are of the view that this is ethically unjustified and partial and feel that medical benefits should be same for both serving and superannuated employees of any organisation. The Committee, however, express their satisfaction that on being pointed out, the Ministry has informed that APTEL has

informed that reimbursement of outdoor treatment in respect of serving Officers and Staff is being made on actual basis i.e. as per CGHS approved rates only in empanelled hospitals." The Committee recommend that, accordingly, necessary amendment in the Rules may also be brought out and the same be notified at the earliest and the Committee be apprised of the action taken in this regard.

1.10 The Committee, however further express their concern to note that despite agreeing to all the three suggestions as given above by the Committee in July, 2019, the required amendments in the Rules have not yet been notified by the Ministry so far. The Committee, therefore, recommend the Ministry to immediately make suitable amendments in all the three Rules as pointed above and apprise the Committee of conclusive action taken in this regard within 3 months of the Report presented to the House.

New Delhi;
February, 2022
Magha, 1943 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation

| क्र.सं. | रसीद संख्या | तारीख | | | |
|--------------------|-------------|-------|--|--|--|
| | | | | | |
| रुपये (शब्दों में) | | | | | |

मैं एतद्वारा यह घोषणा करता हूँ कि मेरे द्वारा आवेदन में दिए गए विवरण मेरी सर्वोत्तम जानकारी और विश्वास के अनुसार सत्य हैं और जिस व्यक्ति के लिए चिकित्सा व्यय किया गया था पूर्ण रूप से मुझ पर आश्रित है।

संलग्नों की सूची:

तारीख:

कर्मचारी के हस्ताक्षर".

[फा.सं. 46/5/2015-आरएंडआर]

ज्योति अरोरा, संयुक्त सचिव

टिप्पण : मूल नियम तारीख 28 अक्टूबर, 2004 की संख्या सा.का.नि. 721 (अ) द्वारा प्रकाशित किए गए थे और तत्पश्चात तारीख 6 मई, 2005 की संख्या सा.का.नि. 281(अ), तारीख 22 जुलाई, 2008 की संख्या सा.का.नि. 548(अ), तारीख 20 जुलाई, 2011 की संख्या सा.का.नि. 558(अ) द्वारा संशोधित किए गए थे।

**MINISTRY OF POWER
NOTIFICATION**

New Delhi, the 16th January, 2017

G.S.R. 39(E).—In exercise of the powers conferred by clause (s) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules further to amend the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees Rules, 2004, namely:-

1. **Short title and commencement.**— (1) These rules may be called the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017.
(2) They shall come into force from the date of their notification in the Official Gazette.
2. In the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees Rules, 2004, -
(a) for the word "Schedule" wherever it occurs, the word and figure "Schedule I" shall be substituted;
(b) for rule 8, the following rule shall be substituted, namely:-
"8 Other conditions of service.— (1) Officers and employees of the Appellate Tribunal for Electricity shall be entitled to the medical facilities as specified in Schedule II annexed to these rules.
(2) Other conditions of service of the officers and employees of the Appellate Tribunal for Electricity, for which no specific provisions have been provided, shall be regulated in accordance with such rules as are, from time to time, applicable to officers and employees of the Central Government drawing the pay and allowances in corresponding pay scales";
(c) the Schedule shall be numbered as Schedule I and after Schedule I as so numbered, the following Schedule shall be inserted, namely:-

"SCHEDULE II

[see rule 8(1)]

MEDICAL FACILITIES

1. Definitions.— In this Schedule, unless the context otherwise requires-

- (a) “**competent authority**” means the Chairperson of the Appellate Tribunal and includes any other officer so designated by him in this behalf;
- (b) “**employee**” means any person appointed in accordance with these rules who is on the rolls of the Appellate Tribunal and also includes the employees who have superannuated from the said Tribunal after rendering not less than five years of regular service, having been permanently absorbed in the said Tribunal;
- (c) “**empanelled hospital and diagnostic centre**” means the Government hospitals or diagnostic centers including all recognised private hospitals or diagnostic centers under the Central Government Health Scheme for specialised and general purpose treatment and diagnostic procedures recognised vide Ministry of Health and Family Welfare O.M. No. 24/2001/JD(M)/CGHS/Delhi/CGHS(P), dated 7th September, 2001 as amended from time to time, or any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal;
- (d) “**family**” shall have the same meaning as assigned to in the Central Services (Medical Attendance) Rules, 1944:

Provided that the members of the family shall be treated as dependents only if their income from all sources including pension and pension equivalent to gratuity is less than three thousand five hundred rupees per month:

Provided further that the members of the family shall be entitled to medical attendance and treatment even if they do not stay with the employee;

- (e) “**pay**” means basic pay plus non-practicing allowance plus stagnation increment, if any:

Provided that for employees who have superannuated and are eligible for medical facilities, “pay” means the last pay drawn before the superannuation;

- (f) “**Authorised or Notified Medical Practitioner**” means a registered medical practitioner having a degree recognised under the Indian Medical Council Act, 1956 (102 of 1956), or a registered Medical Practitioner holding Degree or Diploma in Ayurveda or Unani or Siddha or Homoeopathy of not less than four years duration from a University or Statutory Board or Council or Faculty of Indian Medicine and Homoeopathy, included in the Schedules to the Indian Medicine Central Council Act, 1970 (48 of 1970) and the Homoeopathy Central Council Act, 1973 (59 of 1973), as the case may be;
- (g) words and expressions used in these rules but not defined, and defined in the Act, shall have the same meaning as assigned to them in the Act.

2. Maintenance of list of Authorised Medical Practitioners.— (1) A list of Authorised Medical Practitioners shall be prepared and maintained by Appellate Tribunal, area-wise, on the request of the employees and based on relevant documentary proof including prescription with registration number of the concerned Registered Medical Practitioner.

(2) If an employee is receiving treatment from the out-patient department of an empanelled hospital or Central Government Health Scheme recognised hospital, the attending physician shall be treated as a deemed authorised or Notified Medical Practitioner for the Appellate Tribunal.

INDOOR TREATMENT

3. Entitlement of room charges.— (1) The entitlement for room facility, such as General Ward, Semi-private Ward, Private Ward or Day Care, in case of hospitalisation shall be the same as may be specified by the Central Government Health Scheme from time to time.

(2) The entitlement for room rent for General Ward, Semi-private Ward, Private Ward and Day Care shall be as per the Central Government Health Scheme rates, as amended from time to time.

(3) The employees of the Appellate Tribunal shall be entitled for medical treatment including the cost of treatment, pathological, radiological, scanning, hospital accommodation, nursing home facilities, etc., as per the package rates prescribed vide Ministry of Health and Family Welfare O.M. No. 24/2001/JD(M)/CGHS/Delhi/CGHS(P) dated 7th September, 2001, as amended from time to time.

(4) The employees of the Appellate Tribunal may get medical treatment in any of the empanelled hospital or diagnostic centre on the advice of Authorised or Notified Medical Practitioner or attending physician, and in case of emergency they may directly go to any private or recognised private hospital or diagnostic centre nearest to their place of residence.

(5) The charges paid for clinical tests, etc, to a private non-recognised hospital or diagnostic centre shall be reimbursable as per rates prescribed for Central Government Health Scheme beneficiaries and where there are no rates prescribed, the expenses incurred shall be reimbursed on actual basis.

(6) If during treatment in an empanelled hospital or diagnostic centre, special nursing becomes necessary, the employee or a member of his family shall be entitled to such special nursing as may be deemed essential for the recovery or for the prevention of serious deterioration in the condition of the patient having regard to the nature of the disease, and the amount to be reimbursed for such special nursing shall be limited to the amount, which is in excess of twenty-five per cent. of the pay of the employee concerned for the period for which special nursing was necessary, for which a certificate from the Medical Officer-in-charge, countersigned by the Medical Superintendent shall be produced.

(7) Package rates for duration of indoor treatment shall be as follows:

- (a) 12 days for specialised procedure;
- (b) 7-8 days for other procedures;
- (c) 3 days for laparoscopic surgery;
- (d) 1 day for day care or minor procedures (out-patient).

4. **Submission of claims.**— (1) Final claims for reimbursement of medical expenses for a particular spell of illness shall ordinarily be preferred within three months from the date of completion of the treatments shown in the prescription issued by the attending physician.

- (2) All claims for reimbursement shall be accompanied with prescription and cash memos or vouchers duly signed by the Medical Officer indicating the registration number.
- (3) The application for medical claims shall be submitted in the Form given at **Appendix A**.
- (4) All expenses on indoor treatment shall initially be met by the employee himself and shall claim for medical reimbursement on completion of the treatment.
- (5) Normally the recognised private hospitals or diagnostic centres, who entered into agreement with the Appellate Tribunal, shall charge the rates approved for the package rate and they shall also extend credit facility in emergency cases as specified in the Memorandum of Agreement signed with private hospitals or diagnostic centres to the employees of the Appellate Tribunal undertaking treatment in their hospital or diagnostic centre, and submit the bill for reimbursement as per approved rates to the Appellate Tribunal:

Provided that in case of hospital or diagnostics centres insisting for immediate payment of the cost of treatment, room rent, medicines, various test, etc., the Appellate Tribunal may sanction advance payment to the extent of ninety per cent. of approximate expenses as per package rate prescribed for Central Government Health Scheme beneficiaries and issue an account payee cheque in the name of the hospital concerned, and the balance payment shall be made on submission of final claim by the beneficiary.

OUTDOOR TREATMENT

5. **Entitlements.**—(1) Officers and staff shall be entitled to the reimbursement of medical expenses on actual basis for non-hospitalisation cases, for themselves and their family members including dependents on production of prescription from Authorised or Notified Medical Practitioners along with bills or cash memos of medicines or tests.

(2) In the case of superannuated employees of the Appellate Tribunal, the annual ceiling of the expenses incurred on outdoor treatment shall be as per Central Government Health Scheme package deal rates or maximum of the Level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower.

6. **Treatment abroad.**— For treatment during foreign visit, reimbursement shall be limited to entitlement in accordance with the provisions of the Central Services (Medical Attendance) Rules, 1944.

7. **When both husband and wife are Government servants.**— Where husband and wife both are employed in the Central Government or State Government or Public Sector Undertakings or Autonomous bodies or Statutory bodies or Local bodies, etc., a joint declaration shall be furnished by the employees to the effect that his or her spouse is not availing medical facility provided by his or her employer.

8. **Submission of claims.**— (1) The employees are required to prefer the claims within three months from the date of completion of treatment.

(2) The employees are also required to submit the following, namely:-

- (i) original prescription with registration number of the Authorised or Notified Medical Practitioner; and
- (ii) original bills or cash memos of medicines or tests.

(3) The application for medical claims shall be submitted in the Form given at **Appendix B**.

9. **Other conditions.**— (1) Inadmissible medicines as specified in Schedule I and Schedule II of sub-clause (iii) of clause (h) of rule 2 of the Central Services (Medical Attendance) Rules, 1944 are not reimbursable.

(2) The competent authority in the Appellate Tribunal shall be empowered to disallow any claims or part of the claim which does not satisfy the required condition for such claim.

(3) The expenditure on account of reimbursement of medical claims in any month shall be monitored by applying the benchmark of an amount equivalent to one-twelfth of the budgetary provision for medical expenses (for indoor as well as outdoor treatment) for that particular year and in the event of such expenditure exceeding the aforesaid benchmark ceiling in any particular month, the Chairperson of the Appellate Tribunal shall be the competent authority to approve such expenditure in excess of the benchmark ceiling.

10. **Interpretation.**— Wherever clarification or interpretation or relaxation and extension of any of the provisions of this regulation arise, the Appellate Tribunal may refer the matter to the Central Government and the decision of the Central Government shall be final in such matters.

Appendix - A

APPELLATE TRIBUNAL FOR ELECTRICITY
FORM OF APPLICATION FOR MEDICAL CLAIMS

Form of application for claiming refund of medical expenses incurred in connection with medical attendance or treatment of the Employees of Appellate Tribunal for Electricity or their families for treatment in a Hospital:

1. Name and designation of the Employee
(in Block Letters)
 - (i) Whether married or unmarried
 - (ii) If married, the place where wife/husband is employed
2. Pay of the Employee as defined in the Fundamental Rules and any other emoluments which should be shown separately
3. Place of duty
4. Actual residential address
5. Name of the patient and his/her relationship to the employee
6. Place at which the patient fell ill
7. Details of the amounts claimed
Name of the Hospital
Charges for Hospital treatment, indicating separately the charges for-
 - (i) Accommodation (State whether it was according to the status or pay of the employees and in cases where the accommodation is higher than the status of the employee, a certificate should be attached to the effect that the accommodation to which he was entitled was not available)
 - (ii) Diet
 - (iii) Surgical operation or medical treatment or confinement
 - (iv) Pathological, Bacteriological, Radiological or other similar tests, indicating –
 - (a) The name of the hospital or laboratory at which undertaken; and
 - (b) Whether undertaken on the advice of the Medical Officer in charge of the case at the hospital. If so, a certificate to the effect should be attached.
 - (v) Medicines
 - (vi) Special medicines
(Cash memos and the Essentiality Certificate should be attached)
 - (vii) Ordinary nursing

- (viii) Special nursing, i.e., nurses, specially engaged for the patient. State whether they are employed on the advice of the Medical Officer in charge of the case at the hospital or at the request of the Employee or patient. In the former case a certificate from the Medical Officer in charge of the case and countersigned by the Medical Superintendent of the Hospital should be attached.
- (ix) Ambulance charges –
(state the journey – to and fro – undertaken)
- (x) Any other charges, e.g., charges for electric light, fan, heater, air-conditioning, etc. State also whether the facilities referred to are a part of the facility normally provided to all patients and no choice was left to the patient.
8. Total amount claimed
9. Less advance taken on
10. Net amount claimed
11. List of enclosures

DECLARATION TO BE SIGNED BY THE GOVERNMENT SERVANT

I hereby declare that the statements in the application are true to the best of my knowledge and belief and that the person for whom medical expenses were incurred is wholly dependent upon me.

Date

Signature of the Employees

Appendix - B

APPELLATE TRIBUNAL FOR ELECTRICITY

FORM OF APPLICATION FOR REIMBURSEMENT OF MEDICAL CLAIM

1. Name and Designation _____
2. Basic Pay + Dearness Allowance _____
3. Name of the patient _____
and relationship
4. Place at which patient _____
Fell ill
5. Name of the Doctor/ _____

Hospital

| CLAIM DETAILS | AMOUNT CLAIMED | | AMOUNT ADMITTED | |
|---|----------------|----|-----------------|----|
| | Rs. | P. | Rs. | P. |
| a) Consultation Charges: number and dates of consultations | | | | |
| b) Special Consultations number and dates of consultations | | | | |
| c) Pathological Charges: | | | | |
| d) Cost of Medicines S. No. Cash Memo No. Date | | | | |
| Rupees (In words) | | | | |

I hereby declare that the statements in the application are true to the best of my knowledge and belief and that the person for whom medical expenses were incurred is wholly dependent upon me.

List of encl:

Date:

Signature of the Employee.”.

[F. No. 46/5/2015-R&R]

JYOTI ARORA, Jt. Secy.

Note : The principal rules were published vide number G.S.R.721(E), dated the 28th October, 2004 and subsequently amended vide numbers G.S.R. 281(E), dated the 6th May, 2005, G.S.R. 548(E), dated the 22nd July, 2008 and G.S.R. 558(E), dated the 20th July, 2011.

APPENDIX II

(Vide Para 5 of the Introduction of the Report)

SUMMARY OF RECOMMENDATIONS MADE IN THE _____ REPORT OF THE
COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTEENTH LOK SABHA)

| Sl. No. | Reference to Para No. in the Report | Summary of Recommendations |
|---------|-------------------------------------|---|
| 1. | 1.4 | <p>The Committee note that as per the definition given under the Rule, the Officers and Staff are entitled to have treatment either from Government hospitals or diagnostics centres including all recognized private hospital or diagnostic centres under the CGHS or any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal. The Committee surprised to note that inclusion of all hospital or diagnostic centres as recognized by CGHS or any private or diagnostic centre notified or authorised by the Appellate Tribunal would give the option to the Officers and Staff of Appellate Tribunal for Electricity to take treatment from anywhere resulting in running of two parallel medical benefit schemes at a time. The Committee of the firm opinion that by doing so the medical benefit scheme can be misused, thus either the CGHS or the Appellate Medical attendance or reimbursement scheme should be followed so as to avoid misuse or overlapping of the benefits being drawn from both the available Schemes. The Committee however, be satisfied to note that on being pointed out, the Ministry of Power in response have submitted that APTEL has informed that they have empanelled on CGHS recognized hospital for treatment of its Officers and Staff. The Committee satisfied to further note from the reply furnished by the Ministry of Power that the Ministry has</p> |

| | | |
|----|-----|--|
| | | agreed to delete the words "..... or any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal from the definition of 'empanelled hospital and diagnostic centre' given in the order. |
| 2. | 1.6 | <p>Rule 1(d) of the Rules gives definition of "family" as "family shall have the same meaning as assigned to in the Central Services Medical Allowances Rules, 1944". The Committee of the view that as far as possible the definitions used in Rules should either be defined in the relevant Act/Statues itself or should be defined in the Rules itself. The Committee have from time to time emphasized that the Rules should as far as possible be self contained and legislation by reference should be avoided. The Committee are of the firm opinion that Rules should be drafted in such manner that no difficulty is caused to the public in locating the reference made in the Rules. The Committee, therefore, would like to reiterate its off repeated recommendation that, Rules as far as possible should be drafted as such where legislation by reference is avoided and where such reference cannot be avoided, the Ministry should append the relevant extract of legislation being referred, to the Rules, so that no difficulty is caused to the public in locating the reference made. The Committee, however, express their satisfaction that on being pointed out, the Ministry of Power have agreed and stated that definition of family as appearing in the Central Service (Medical Attendance) Rules, 1944 may be incorporated in the definition of 'Family' in the Schedule II to APTEL, Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017. The Committee, therefore, also recommend that the requisite amendment to the Rules be carried out at the earliest and the Committee be apprised of the action taken in this regard.</p> |

| | | |
|----|------|--|
| 3. | 1.9 | <p>The Committee note that under the Heading 'Outdoor Treatment' in sub-rule (1) of Rule 5 of the Rules under examination, pertaining to 'Entitlements' for reimbursement of medical expenses for Officers and Staff, it has been prescribed on actual basis for non-hospitalisation cases for themselves and their family members including dependents. Whereas, under sub-rule(2) of Rule 5 of the Rules, in cases of superannuated employees of the Appellate Tribunal, the annual ceiling of the expenses incurred on outdoor treatment shall be as per CGHS package deal rates or maximum of the level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower has been prescribed. The Committee surprised to know that there are two different medical reimbursement processes prescribed for serving and superannuated officers of the same organisation. The Committee of the view that this is ethically unjustified and partial and feel that medical benefits should be same for both serving and superannuated employees of any organisation. The Committee, however, express their satisfaction that on being pointed out, the Ministry has informed that APTEL has informed that reimbursement of outdoor treatment in respect of serving Officers and Staff is being made on actual basis i.e. as per CGHS approved rates only in empanelled hospitals." The Committee recommend that, accordingly, necessary amendment in the Rules may also be brought out and the same be notified at the earliest and the Committee be apprised of the action taken in this regard.</p> |
| | 1.10 | <p>The Committee, however further express their concern to note that despite agreeing to all the three suggestions as given above by the Committee in July, 2019, the required</p> |

| | | |
|--|--|--|
| | | <p>amendments in the Rules have not yet been notified by the Ministry so far. The Committee, therefore, recommend the Ministry to immediately make suitable amendments in all the three Rules as pointed above and apprise the Committee of conclusive action taken in this regard within 3 months of the Report presented to the House.</p> |
|--|--|--|

APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACT FROM MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2021-22)

The Fifth Sitting of the Committee on Subordinate Legislation (2021-22) was held on Tuesday, the 30th November, 2021 from 1500 to 17.35 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Pinaki Misra
3. Shri Chandeshwar Prasad
4. Shri N.K. Premchandran
5. Shri Suresh Pujari
6. Shri A. Raja
7. Shri Sanjay Seth
8. Shri Su Thirunavukkarasar
9. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C. Tiwari - Additional Secretary
2. Shri T.S. Rangarajan - Director

WITNESSES

XX

XX

XX

XX

2. At the outset, the Chairperson welcomed the Members to the Sitting of the Committee. The Committee then considered the following draft Memorandum:-

(i) **Memorandum No. 13:** The Appellate Tribunal for Electricity Salary Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 (GSR 39-E of 2017).

3. After deliberations, the Committee decided to incorporate the points raised in the Memorandum No. 13 in their Report to be formulated in this regard.

4. XX XX XX XX

5. XX XX XX XX

6. XX XX XX XX

7. XX XX XX XX

8. XX XX XX XX

XX Omitted portion of the Minutes are not relevant to Report.

EXTRACTS FROM MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2021-2022)

The eighth sitting of the Committee (2021-22) was held on Wednesday, the 15th December, 2021 from 1500 to 1715 hours in Committee Room No. B, Parliament House Annexe, New Delhi

PRESENT

1. Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri Chandeshwar Prasad
3. Shri N.K. Premachandran
4. Shri Suresh Pujari
5. Shri A. Raja
6. Shri Nama Nageshwar Rao
7. Shri Sanjay Seth
8. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C.Tiwari - Joint Secretary
2. Shri T.S. Rangarajan - Director
3. Smt. Jagriti Tewatia - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- (i) The Fifteenth Report on the Appellate Tribunal for Electricity Salary Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 (GSR 39(E) of 2017);
- (ii) XX XX XX XX
- (iii) XX XX XX XX
- (iv) XX XX XX XX

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

- 4. XX XX XX XX
- 5. XX XX XX XX
- 6. XX XX XX XX
- 7. XX XX XX XX
- 8. XX XX XX XX
- 9. XX XX XX XX

The Committee then adjourned.

XX Omitted portion of the Minutes are not relevant to this Report