

"No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene."

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 25.08.2021

Complainant : Sh.S.C. Gupta – Present.

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi.
Through Dr. Girish Prabhat,
Dte.of Health Services (HQ).
Sh. Atul Jaiswal, P.G.T (Eng.),
O/o Dy.Director of Education(NE-I).
Sh. Hari Ram, A.A.O., O/o DDE
Distt.-North East – Present.

Grievance No. : PGC/2020/A.II/Edn./11

1. Brief facts of the complaint

1.1 Sh.S.C. Gupta has filed a grievance petition before Public Grievances Commission, aggrieved by non-payment of medical bills (tooth implantation) amounting to Rs.30,000/- by the Directorate of Education, GNCT of Delhi.

2. Relevant facts emerging during the hearing

2.1 An action taken report dated 09.08.2021 has been filed on behalf of Dr. Sushma Jain, Addl. Director (DGEHS), Directorate of Health Services, GNCT of Delhi. It is stated in the report that "*The hospital, from where the complainant Sh. S.C. Gupta had taken treatment, is an empanelled centre under DGEHS and the list of empanelled hospital is attached herewith.*"

2.2 An action taken report dated 24.08.2021 has been filed on behalf of Dy. Director of Education (North-East II), GNCT of Delhi. It is stated in the report that "*Kindly refer to order No. PGC/2020/A.II/Edn./11 3151 dated 19.07.2021 regarding above case.. In compliance of specific order issued in para 3.4 to DDE(NE), it is humbly submitted that the relevant page from list of hospitals empanelled by Delhi Government is enclosed herewith.*"

Name of Goel's Multispeciality Dental Clinic and Implant Centre, 7A/460, Durga Puri Extension, Durga puri chowk, Loni Road, Delhi 93 from which the complainant Sh. S.C. Gupta had taken treatment, appears at S.No. 11 in the list.

As far as redressal of grievance is concerned, it is subject to expert opinion from MAIDS to be communicated to Directorate of Health Services, GNCT of Delhi which further would communicate to this office in order to reimburse medical claim of Sh.S.C. Gupta. Same had been submitted before Hon'ble Member during earlier hearings. In view of above submission, kindly dispose of the case."

2.3 Dr. Girish Prabhat from DGHS submitted that the case of the complainant has been sent to MAIDS for their expert opinion and the MAIDS has stated that the procedure of tooth implantation is neither listed under the DGEHS scheme nor it is essential in nature. Further, the complainant did not explore other alternatives before opting for the said procedure. Therefore, the case is not proper as per DGEHS rules and could not be approved.

2.4 The complainant present in the hearing submitted that as the DGHS and Education Department has been claiming that the procedure is not covered under the DGEHS rules, he has requested for copy of documents, vide which the said Goel's Multispecialty Dental Clinic and Implant Centre claim reimbursement from the DGHS. However, the DGHS replied that the said documents has been burnt/destroyed and therefore, could not be provided to the complainant. He further submitted that he has filed RTI as to whether, the procedure of tooth implantation is banned, to which, the DGHS submitted that the same is not banned. He further asked as to whether, second alternative procedure is available in his case to which, the DGHS has not given any answer.

2.5 The Commission noted that during the hearing dated 06.04.2021, the Addl. Director (DGEHS), Directorate of Health Services, GNCT of Delhi and the Dy. Director of Education, North East, GNCTD, vide their action taken report dated 05.04.2021 categorically submitted that "*on the basis of documents provided by Dy. Director of Education through email and clinical examination of the patient Sh.S.C. Gupta, Director (MAIDS) has given expert opinion in the matter as under:*

*"Perusal of X-rays reveal that alternative essential procedures i.e. removable partial denture or bridge were also available for rehabilitation after tooth removal. OPD papers and other prescription papers produced on 09.02.2021 do not reveal that the treating doctor had explored the alternative essential procedures. **These documents were examined and it appears that implant was not the only***

essential treatment available for the patient and implant cannot be said to be essential in the instant case. As regards reimbursement of dental treatment, the same has to be examined by the Competent Authority as per rules and it is not under the purview of MAIDS. In view of the expert opinion of MAIDS, the treatment taken by the patient was not essential, therefore, reimbursement of tooth implantation is not admissible."

The Commission observes that the complainant's grievance regarding reimbursement for the procedure of tooth implantation done at empanelled hospital has been examined in detail by the concerned department i.e. Directorate of Education and Directorate of Health Services (DHS), GNCT of Delhi and the DHS further sent the case of the complainant to MAIDS for their expert opinion, wherein, the Director (MAIDS) opined that OPD papers and other prescription papers do not reveal that the treating doctor had explored the alternative essential procedures. Further, it appears that implant was not the only essential treatment available for the patient and implant cannot be said to be essential in the instant case. Therefore, after perusal of the record and stated positions taken by the Directorate of Health Services (DHS), GNCT of Delhi and MAIDS, it does not seem plausible for the respondent department i.e. Directorate of Education, GNCT of Delhi, to reimburse the complainant by going out of the ambit of DGEHS Rules.

However, keeping in view the fact that the complainant is a retired government servant who has been running from pillar to post for redressal of his grievance, the Director of Education, GNCT of Delhi is advised to reconsider the matter on sympathetic ground at their own level and apprise the complainant as well as the Commission of the outcome of this grievance.

3. Directions of the PGC

3.1 Director of Education, GNCT of Delhi is advised to reconsider the matter on sympathetic ground at their own level and apprise the complainant as well as the Commission of the outcome of this grievance.

3.2 With these directions, **the case stands disposed of in the Commission.** However, the complainant is free to approach other forums for redressal of his grievance in case he is not satisfied with the outcome of his present grievance in the Commission.

No. PGC/2020/A.II/Edn./11

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(SUDHIR YADAV)
MEMBER

Dated: 31/08/2021

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.

2. The Director, Directorate of Health Services, Govt. of NCT of Delhi, F-17, Karkardooma, Delhi-110032.
3. Director, MAIDS, Maulana Azad Medical College Campus, Bahadur Shah Zafar Marg, New Delhi-110002.
4. Addl. Director of Education/Nodal Officer, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
5. Dy. Director(HQ), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054
6. Ms. Neelam Yadav, Dy. Director of Education, District North-East, Dte. of Education, GNCT of Delhi, Yamuna Vihar, Delhi-110053.
7. Sh.S.C. Gupta, R/o.F-183, Prashant Vihar, Delhi-110085.