

MEDICAL ATTENDANCE & ALLOWANCE RULES

[Note: Deleted]

3. Definitions

In these rules, unless the context otherwise requires—

JAMMU AND KASHMIR CIVIL SERVICES (MEDICAL ATTENDANCE AND ALLOWANCE) RULES, 1990

SRO 203, 14th June, 1990

In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir the Governor is pleased to direct to make the following rules, namely.—

1. Short title

These rules may be called the Jammu and Kashmir Civil Services (Medical Attendance and Allowance) Rules, 1990.

2. Extent of application

(1) These rules shall apply to:—

- (i) All State Government servants who are whole time employees working either in permanent or quasi-permanent/ temporary capacity.
- (ii) Government servants under suspension or on leave subject to the limitations prescribed in rule 7(3).
- (iii) Such other categories of services as may be specified by the Government from time to time.

(2) These rules shall not apply to:—

- (a) Government servants who already avail of medical aid facilities under any other scheme;
- (b) Personnel of Jammu and Kashmir Militia except civil employees; provided they function under the administrative control of Jammu and Kashmir Government;
- (c) Government servants in part time employment.
- (d) Persons engaged on contract;
- (e) Persons employed on Work Charged establishment;
- (f) Government servants paid out of contingencies.

¹[Note : Deleted]

3. Definitions

In these rules, unless the context otherwise requires:—

- (a) "Government" means the Government of Jammu and Kashmir State;
- (b) "Director Health Services" means the Head of the Medical Department;
- (c) "Government Servant" means Government servant to whom these rules apply;
- (d) "Medical Officer" means a Medical Officer of the Medical Department Incharge of Government Hospital/Dispensary specified by Director Health Services for the purpose in respect of Government servant or class of Government servants in any station or areas;
- (e) "Family" means wife or husband, children including adopted children, step-children and parents (and minor brothers and minor sisters) living with the Government servant and wholly dependent upon him;

²[Explanation: — Parents in the definition of family shall be treated as dependent on Government servant provided own income of either parent does not exceed ³[Rs 2500/-p.m.]

- (f) "Government Hospital/Dispensary" means a Medical Institute maintained by Government for purpose of Medical attendance/treatment and includes a Hospital or a Dispensary recognised by the Government for this purpose excluding the Ayurvedic or Unani Dispensaries etc.

4. Beneficiary

In these rules unless the context otherwise requires, every State Government, servant and the members of his family to whom these rules apply will hereinafter be called a "beneficiary",—

¹ Note below rule no. 2 has been deleted by SRO 375 dated 27-8-1999.
² Explanation recast vide SRO 256 dated 7-8-1996 with prospective effect.
³ Substituted by SRO 382 dated 06-12-2004 for "Rs 500 p.m."

- (a) Registration of beneficiaries (as per Annexure 'A') will be made by respective Heads of offices on receipt of application/declaration from the Government servants (as per Annexure B).
- (b) Respective Heads of Offices will issue (as per Annexure 'C') index cards of every Government servant entitled to these benefits and such cards shall include the details regarding the beneficiaries.

5. Medical Attendance within the State

(1) Every Government servant shall be allowed reimbursement of the amount, if any, charged by the Hospital authorities, including cost of drugs purchased from the market during the period of hospitalisation in Government Hospital within the State of the employee himself or any member of his family, wholly dependent on him.

(2) Reimbursement of the expenses in the manner indicated in sub-rule(1) above shall also be allowed in respect of hospitalisation in non-Government Hospitals within the State provided the following conditions are fulfilled,—

- (a) Where it is recommended by the Principal, Medical College or Director Health Services that the treatment is not available in the Government Hospitals and can be had in a private hospital in the State.

OR

- (b) If the concerned authority (Principal Medical College or Director Health Services) is of the opinion that regardless of the availability of the treatment in a Government Hospital within the State the nature of surgery is such as require sophisticated theatre and as congenial surgical atmosphere for the prevention of infection in respect of operations of heart, lungs and brain and can be had in private hospital within the State.

(c) Expenditure incurred in such cases shall be reimburseable as under:—

- (i) Charges for operation and drugs and other expenses like room rent etc. excluding diet as may be charged from the beneficiary by the hospital authorities.

(ii) The beneficiary shall be allowed 50% of the estimated cost of the hospital charges as advance,

(3) Where in any case a Government servant or his beneficiary during hospitalisation in any Government Hospital within the State including the Institute of Medical Sciences, Srinagar has to undergo replacement of a diseased heart valve or fitting of a heart pace maker the reimbursement of the cost thereof shall be admissible as part of hospitalisation expenses. The payment of the cost of these appliances will on the advice of the Medical Superintendent of the Hospital/Institute be made by the concerned Drawing and Disbursing Officer direct to the supplying agency and not to the Government servant or his beneficiary.

(4) Notwithstanding anything contained in sub-rule 3 of this rule, the cost of the appliances etc., prescribed by the concerned Head of Department of the Government Medical College/Hospital including Sher-I-Kashmir Medical Institute, Soura, Srinagar shall be made in advance to the beneficiary if he requests for the same, This is, however, subject to the condition that after the equipment is fitted, a certificate of the concerned Head of Department of the Medical Institute/Hospital that the equipment has been fitted to the beneficiary, will be furnished within one month, by the beneficiary to the Drawing and Disbursing Officer who has given an advance to him.

(5) In case a Government servant or any member of his family wholly dependent upon him is suffering from Cancer or any other disease which is certified by the Director Health Services or Principal, Medical College as life consuming or from Tuberculosis, Leprosy, Mental illness, he shall be entitled to the reimbursement of Medical expenses incurred by him for treatment of said diseases even outside the Hospital. The reimbursement will be subject to the certificate of competent Medical authority that the beneficiary is suffering from any one of the said diseases and would be in need of home treatment for a long time and further subject to the verification of the connected vouchers by the Head of Department of the concerned discipline of the concerned Institute.

surer/TPA shall reimburse the expense to the hospital within the sum assured floater basis.

(2) Reimbursement claims on account of medical expenses beyond Rs 3 lacs in any single case relating to govt. servant or his/her dependant shall be dealt with by the govt. as per existing rules.

(3) The govt. servant may choose to opt out of the "Government employees Mediclaim Policy" in writing to his DDO, such option shall be exercised within 7 days from the date of issue of notification. Government servant on leave or under suspension shall exercise such option within seven days of rejoining of service and in case of fresh appointees within 7 days from the date of joining of service. Option once exercised shall be final.

6. Treatment outside the State

(1) Treatment outside the State may, be authorised in respect of a beneficiary by the Administrative Department concerned on production of a certificate on the prescribed proforma (Annexure 'D') by the Head of Speciality not below the rank of Associate Professor. Where a Professor is not available it should be countersigned by the concerned Principal of Medical College in the State. ¹[Director SKIMS shall also be Competent Authority for certification.]

(2) Cost incurred on treatment may be reimburseable as under regardless of any pay ceiling:

- (a) Actual expenses incurred on Road/Railway fare of the patient and the attendant (up to one) if any accompanying him by the class of which he is entitled for journey on tour.
- (b) Air fare of the patient only if in case of ailment of a serious nature, the Principal, Medical College or the ¹Director Health Services/Director SKIMS justifies for reasons recorded that the patient cannot travel by rail/road in such cases the fare of the attendant will be reimburseable on road/rail basis.

¹ Inserted vide SRO 142 dated 8-5-1998.

- (c) Expenditure incurred on Pathological Bacteriological/Radiological and other methods of examination/investigation or treatment like electric therapy etc.
- (d) Charges including cost of blood and blood transfusion if any levied by hospital authorities.
- (e) Operation charges paid to Hospital.
- (f) Consultation fee if any paid under hospital rules and cost of medicines purchased from market on the advice of hospital authorities.
- (g) Cost of "hearing aid" and "artificial limbs" on the advice of hospital authorities.

Explanation. — Reimbursement of the cost of hearing aid shall include the hearing aid, if any, prescribed by the ENT Specialist of Government Hospital/Institution hearing aid either within or outside the State shall prescribe within the State. A specialist recommending for the particular type of hearing aid which the patient requires, namely Air-conduction and bone conduction type which include spectacle hearing aid etc.

- (h) The cost of Heart Pace Maker and replacement of diseased heart valves, wherever the supply of these appliances, is recommended by the Competent Medical authority i.e. Director Health Services, or Principal of the Medical Education or Director Health Services or Principal of the Medical Colleges or the Head of the Department of the concerned speciality in the Institute of Medical Science Srinagar and necessary sanction thereof is accorded by the Administrative Department concerned the payment for the cost thereof shall be made by the concerned drawing and disbursing officer direct to the supplying agencies and not to the Government servant or his beneficiary.

Note. — Notwithstanding anything contained in this clause(h) of sub-rule(2) of this rule, the cost of the appliances etc. prescribed by the concerned Head of Department of the Government Medical College/Hospital including Sher-I-Kashmir Medical Institute, Soura, Srinagar shall be made in advance to the beneficiary if he request for the same. This is however, subject to the condition that after the

equipment is fitted a certificate of the concerned Head of Department of the Medical Institute/Hospital that the equipment has been fitted to the beneficiary, will be furnished within one month, by the beneficiary to the Drawing and Disbursing Officer who has given an advance to him.

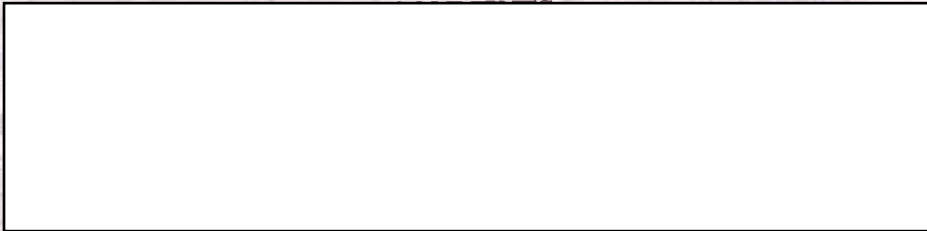
(3) The reimbursement will be admissible only on the production of vouchers duly certified by the concerned medical authorities of the Hospital/Institutions.

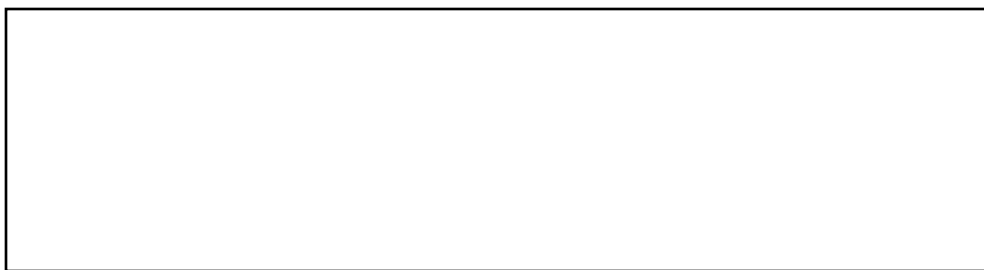
Note 1: — The concessions under this rule (Rule 6) shall also be applicable to such State employee who get medical facilities under any other scheme but for whom there is no provision in that scheme for treatment outside the State.

Note 2: — Government servant while proceeding outside the State for his own treatment or accompanying beneficiary shall not be treated on duty but granted leave of whatever kind due and admissible under rules.

(4) A competent authority may sanction an advance to a Government servant for treatment outside the State as admissible under rule 6 of these rules subject to the conditions laid down in Rule 14.29 (A) of the Jammu and Kashmir Financial Code Volume 1.

(5) Where a beneficiary resides temporarily outside the State and falls ill there suddenly and is advised admission in a hospital, he will, on production of necessary vouchers and certificates, be allowed reimbursement of hospital charges including cost of drugs and charges for investigations, provided it is recommended by the Director Health Services of the State after being satisfied that the beneficiary had suddenly fallen ill outside the State where he resided temporarily and was not already suffering from it before his departure from his home town. The Director Health Services will certify that drugs and services charged for are reasonable and the beneficiary could not wait for treatment in his home town.





¹**6-A.** Treatment outside the state for heart ailment, kidney transplantation, cancer and other life consuming diseases shall be taken at private hospitals indicated below and reimbursement of expenditure shall be subject to the conditions that—

- (a) there is no arrangement for the treatment/surgery for the said disease in the State Govt., Hospitals;
- (b) a certificate is obtained from the Competent Medical Authority as specified in rule 6 of these rules.

The private hospitals shall include:—

- (i) Tata Memorial Hospital Bombay.
- (ii) Christian Medical College and Hospital, Vallore/Ludhiana.
- (iii) Batra Hospital, Delhi.
- (iv) Mool Chand Charitable Hospital Delhi.
- (v) Sri Ganga Ram Hospital, Delhi.
- (vi) N.M. Wadia Institute of Cardiology, Pune.
- (vii) Southern Railway Hospital, Parembure, Madras.
- (viii) K.E.M. Hospital, Bombay.
- (ix) Bombay Hospital Bombay.
- (x) Sri Chitra Tribunal Institute of Medical Sciences and Technology, Trivandrum.
- (xi) SSKM Hospital, Calcutta.
- (xii) Kasturba Hospital Bhopal.
- (xiii) Samaritan Hospital, Always, Kerela.
- ²[(xiv) Archarya Shri Chander College of Medical Sciences and Hospital, Jammu.
- (xv) "The Heart Centre", New Delhi.]

¹ Inserted vide SRO 142 dated 8-5-1998.

² Inserted vide SRO 96 dated 4-3-2002.

- ¹[(xvi) Rajiv Gandhi Cancer Institute, New Delhi.
(xvii) Ranbaxy Heart Institute, Chandigarh.]

²[Provided that—

- (a) The reimbursement in the Hospital at S.No. (xiv) shall be leveled with that of Medical College, Jammu and for a facility which is not available with in the Medical College Hospitals but is available in the SKIMS, the charges in the case shall be reimburse as per the rates of SKIMS.
- (b) The reimbursement in case of hospitals listed both at s.no. (xiv) and (xv) for the facilities not available in the State shall be available at the rates applicable in AIIMS. [This will be effective from the date of issue of govt. order no. 250-F of 2001 dated 09-11-2001]

³[Provided that the re-imbursement in case of the Institution listed at S. no. (xvi) and (xvii) shall be restricted at the rates applicable in All India Institute of Medical Science, New Delhi and P.G.I Chandigarh respectively.]

Note. I — In case treatment is taken in Appolo Group of Hospitals (Delhi, Madrass, Hyderabad), Escort Haert Institute Delhi and Jasnok Hospital Mumbai, the reimbursement for treatment in these institutions shall be restricted to the amount which would be payable for Research procedure either at AIIMS, New Delhi or any of the private hospitals indicated above.

Note. II. — These references/recommendations of head of Speciality of the govt. hospital in the State, while referring the patients to aforementioned hospitals, should be countersigned by principal, Medical College and/or Director Health Service and/or Director SKIMS as the case may be, and the later should ensure maintenance of proper accounts of such reference/recommendations.

1 Serial no. (xvi) & (xvii) inserted vide SRO 15 dated 27-01-2004.
2 Inserted vide SRO 96 dated 4-3-2002.
3 Inserted vide SRO 15 dated 27-01-2004.

7. Medical Allowance

(1) Government servants shall be allowed medical allowances at a uniform rate of Rs. ¹[100/- per month.]

(2) Medical Allowance shall not be treated as part of pay for any purpose like drawal of D.A./Deputation Allowance/TA./Compensatory Allowance/or any other allowance or for reckoning cash in-lieu of Earned Leave Salary at the time of retirement.

(3) The allowance shall count for computing leave salary and subsistence allowance in the same proportion which the leave salary or subsistence allowance, as the case may, bears to pay, For the period of study leave drawal of the allowance shall not be allowed.

(4) The allowance shall be debitible to salaries under the respective account heads to be booked distinctly under the detailed "Sub-head Medical Allowance".

8. Right of change or interpretation etc.

(i) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at its discretion and of interpreting their meaning in case of dispute.

(ii) Power to relax. — Where the Government is satisfied that the operation, if any, of these rules has caused undue hardship in particular case, it may by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Finance Department.

¹ Substituted for Rs 50 by SRO no. 55 dated 10-2-1999 w.e.f. 1-1-1999.

(1) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at its discretion and of interpreting them in any manner it may think fit.

9. Repeal and Saving

On the commencement of these rules every rule regulation or order in force immediately before such commencement shall in so far as it provides for any of the matters, contained in these rules, cease to operate.

(4) The allowance shall be debitable to salaries under the respective account heads to be specified in the detailed "Sub-head Medical Allowance" (Annexure I).

So. D/1. 53

8. Right of change or interpretation etc.

(1) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at its discretion and of interpreting them in any manner it may think fit.

(ii) Power to relax. — Where the Government is satisfied that the operation of any of these rules has caused undue hardship in particular cases, it may by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

Provided that no such order shall be made except with the concurrence of the Finance Department.

COMMENTARY

Re-impusment of medical officer — Respondent son admitted in Sher-... Medical Sciences Board. Sheriff as a case of acute Pulmonary... The patient was diagnosed having mitral valve abnormally and advised surgery in England as an emergency measure. He was accordingly treated abroad. Respondent submitted bills and claimed reimbursement. Applicant alleged that no permission of the State Government was taken as required under the...

... (1) ...

ANNEXURE 'A'**REGISTER OF BENEFICIARIES**

GOVERNMENT OF JAMMU AND KASHMIR

CIVIL SERVICE (MEDICAL ATTENDANCE-CUM-ALLOWANCE) RULES, 1990

Name of the Government servant _____

Designation _____

Details of member of his family declared by him as per the declaration form fitted in _____ file at Page _____

S.No.	Name of the beneficiary	Age	Sex	Relationship with Government servant	Occupation if any and income therefrom
1	2	3	4	5	6

Marks of identification	No. of Index card issued	Date of issue	Initials of Head Office	Remarks
7	8	9	10	11

Note: — When a Government servant is transferred from one office to another necessary note shall be kept in the register and these particulars and declaration form will be sent to the office to which he is transferred.

ANNEXURE 'B'

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SERVICES (MEDICAL ATTENDANCE-CUM- ALLOWANCE)
RULES, 1990**

FORM OF DECLARATION

(To be addressed to the Head of Office, where the Government servant is himself a Head of Office, he shall address it to the next higher authority).

TO

The _____

Sir,

I _____ (name of the Government servant)

S/o, D/o _____

R/o _____ employed in _____

Department as _____ in the Office of _____

hereby declare that the following are the members of my family wholly dependent on me and residing with me, entitled to medical treatment under Jammu and Kashmir Civil Services (Medical Attendance-Cum-Allowance) Rules, 1990.

2. I further declare that none of them has been declared as member of his/her family by my father/wife/husband, brother, sister, or any relation of mine who is a Government servant for receiving the benefits under the scheme.

3. I undertake that on happening of any one of the following events, I shall forthwith surrender the index card of all of the members of my family including myself as the case may be:—

- (i) On the death of any family member;
- (ii) On a family member ceasing to be dependent on me and/or reside with me;
- (iii) On my retirement/dismissal/discharge from Government service;
- (iv) On any of the members joining private/government service.

4. I also undertake that none of my family members to whom an index card may be issued will misuse it by transferring to a person other than himself.

5. In the event of any of the information given below being proved as wrong and/ or on my failure to comply with the provisions of my undertaking given above, I shall be liable for any penalty of punishment that is deemed proper by the competent authority.

S. No.	Name of the family member	Sex	Age	Relationship with Government servant
1	2	3	4	5

Occupation if any and income therefrom	Marks of identification	Remarks
6	7	8

6. Attestation of a Gazetted Officer in the case of non-gazetted Government servant:—

“Certified that the detailed particulars of the family given above are wholly correct.”

Gazetted Officer
with seal.

Certificate of Gazetted Officer

with regard to item 6 above

7. Signature of the Government employee

Dated

Place

Signature with seal of the

Head of Office where working

ANNEXURE 'C'

GOVERNMENT OF JAMMU AND KASHMIR
 CIVIL SERVICES (MEDICAL ATTENDANCE-CUM-ALLOWANCE)
 RULES, 1990

Index card valid up to _____

1. Name and designation of Government employee _____

2. Name of the Department
where employed _____

3. Place of posting _____

4. Pay scale and basic pay _____

5. Permanent address _____

6. Name/Names of family members as defined under rule 3(e)
of these rules:—

S.No.	Name	Relationship with the Government employee
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Certificate of Gazetted Officer
 with regard to item 6 above _____

7. Signature of the Government employee _____

Dated _____

Place _____

Signature with seal of the
 Head of Office where working

ANNEXURE 'D'

(REFERRED TO IN RULE 6.1)

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SERVICES (MEDICAL ATTENDANCE-CUM-ALLOWANCE)
RULES, 1990**

To be issued by Head of the Speciality not below the rank of Associate Professor.

I, Dr. _____ certify that
Mr./Mrs./Miss _____ S/o,
W/o, D/o _____ employed in

_____ Department is suffering from
_____. The beneficiary is registered

under Registration No _____
He/she has been referred to _____

(Name of Hospital) for treatment for reasons specified below :-

Dated: _____

**Signature and Designation of
Specialist with Official Seal.**

_____	(a) the name and designation of the M.O. consulted with the hospital
_____	(b) the number and date of injection and fee paid for each injection
_____	(c) whether any date of consultation fixed and fee paid for each consultation
_____	(d) whether consultations and/or investigation were held at the consultation room or at the residence of the patient
_____	(e) cost of medicines purchased from the market

ANNEXURE 'E'

**FORM OF APPLICATION FOR CLAIMING OF
REFUND OF MEDICAL EXPENSES INCURRED IN
CONNECTION WITH MEDICAL ATTENDANCE AND
FOR TREATMENT FOR GOVERNMENT
SERVANT OR HIS/HER FAMILY**

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SERVICES (MEDICAL ATTENDANCE-CUM-ALLOWANCE
RULES, 1990

1.	Name and designation of the Government servant	_____
2.	Name and relation of the patient with Government servant	_____
3.	Office in which employed	_____
4.	Pay of the Government servant with other allowances	_____
5.	Place of duty	_____
6.	Actual residential address	_____
7.	Place at which the patient fell ill	_____
8.	I. MEDICAL ATTENDANCE	_____
	(a) the name and designation of the M.O. consulted with the Hospital dispensary attached	_____
	(b) the number and date of injection and fee paid for each injection	_____
	(c) whether any date of consultation fixed and fee paid for each consultation.	_____
	(d) whether consultations and/or investigation were held at the consultation room or at the residence of the patient	_____
	(e) cost of medicines purchased from the market	_____

II. CONSULTATIONS WITH SPECIALIST;	
(a)	Name and designation of specialist or M.O. consulted and the Hospital/PHC to which attached
(b)	No. and date of consultation and fee paid.
(c)	Whether consultation was held at the hospital, at the consultation room of the Specialist or residence of patient
(d)	Whether the Specialist was consulted on the advice of the Medical Officer, or the Government Doctor.
9.	Total amount claimed
10.	List of enclosures

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

Signature of the Applicant
