

Jammu and Kashmir Civil Services (Medical Attendance-Cum-Allowance) Rules, 1990

JAMMU & KASHMIR

India

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Rule

JAMMU-AND-KASHMIR-CIVIL-SERVICES-MEDICAL-ATTENDANCE-CU of 1990

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Jammu and Kashmir Civil Services (Medical Attendance-Cum-Allowance) Rules, 1990(Published vide Finance Department Notification 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-cum-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.[Note : Deleted] [Note below rule no. 2 has been deleted by SRO 375 dated 27-8-1999.]

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 In-charge 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;[Explanation:-Parents in the definition of family shall be treated as dependent on Government servant provided own income of either parent does not exceed [Explanation recast vide SRO 256 dated 7-8-1996 with prospective effect.] [Rs 5000/- p.m.] [Substituted by SRO 221 dated 25-5-2010 for "Rs 2500 p.m.][Note : The Dearness Allowance on pension sanctioned from 1.4.1987 shall not be taken into account to determine the gross pension for the purpose of income limit of [Rs. 2500/-] [Inserted by SRO 354, dated 17.10.1997 with prospective effect.] for dependency of parents.](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"
,-(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 Officers 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 [or Director SKIMS] [Inserted vide SRO 142, dated 8-5-1998.] 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 1. Inserted vide SRO 142, dated 8-5-1998.[or director SKIMS]) 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 reimbursable 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 [or intra ocular lense] [Inserted vide SRO 80 dated 3-4-1995] 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.(4A)[If a Government Servant himself/herself or any member of his/her family dependent upon him/her is suffering from heart ailments, Renal Failure, Cancer or any other disease/life consuming disease and needs hospital treatment, the treatment may be taken in Acharya Shri Chander College of Medical Sciences and Hospital, Jammu:Provided that the reimbursement shall be levelled on the admissible items with that of the Government Medical College Hospital Jammu/Srinagar whichever is less:Provided further that in the event, such a treatment facility is not available in the Government Medical College Hospital Jammu/Srinagar but is available in Sher-I-Kashmir Institute of Medical Sciences Soura, Srinagar, the reimbursement charges in that case be restricted to the rates prevalent in SKIMS, Soura, Srinagar or Acharya Shri Chander College of Medical Sciences and Hospital, Jammu whichever is less.] [Inserted vide SRO 353 dated 30-12-2005.](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.[Note.- The government in the Administrative Department may sanction an advance, not exceeding 75% of the estimated amount of expenses, in such a manner as it may deem proper on the certificate and recommendation of Director Health Services or Director SKIMS or Principal Medical College as the case may be, to a government servant for treatment of any terminal or life consuming disease or where a prolonged treatment is required under rule 5(5) above, subject to the fulfilment of the conditions laid down in rule 14.29-A of Financial Code Vol. I.] [Inserted by SRO 54 dated 31-01-1997.]Pending cases as on the date of the issue of this order shall be decided accordingly.(6)[The cost of vaccines to be used for treatment of dog bites, shall be reimbursed on the

recommendations of Chief Medical Officer/Medical Superintendent of Government Hospitals on whose advice the injunction have been administered.] [Sub-rule (6) inserted vide SRO 142 dated 8-5-1998.][5-A(1)Government servants covered under these rules are also entitled to the benefits of "Government Employee Mediclaim Policy" introduced by the government to facilitate the employees to avail medical facility on hospitalisation in or outside the State on cash less basis. [Rule 5-A inserted by SRO 236 dated 21-07-2003.]The government servant and his/her three dependent family members shall be covered up to the age of 58 years for Rs 3 lacs for an annual premium to be determined by the government from time to time under the aforesaid scheme:Provided that the government servants have an option to increase the size of family unit from four family members up to maximum of 8 members on payment of additional 30% of premium. The government servants may also include their dependents beyond the age of 58 years but below 80 years of age on payment of additional 50% premium annually:Provided further that the government servant and his or her dependents will be entitled to take treatment in any of the accredited hospital as per "Government employees Mediclaim Policy" and the insurer/TPA shall reimburse the expense to the hospital within the sum assured on floater basis.(2)Reimbursement claims on account of medical expenses beyond Rs 3 Lacs in any single case relating to government servant or his/her dependant shall be dealt with by the government as per existing rules.(3)The government 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. [Director SKIMS shall also be Competent Authority for certification.] [Inserted vide SRO 142 dated 8-8-1998.](2)Cost incurred on treatment may be reimbursable 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 Director Health Services/[Director SKIMS] [Inserted vide SRO 142 dated 8-5-1998.] justifies for reasons recorded that the patient cannot travel by rail/road in such cases the fare of the attendant will be reimbursable on road/rail basis.(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 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 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.(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 a beneficiary shall not be treated on duty but granted leave of whatever kind due and admissible under rules.[Government InstructionThe medical reimbursement claim of State Government servants posted in the offices outside the Jammu and Kashmir State (for reimbursement of expenses incurred during hospitalisation) should strictly be dealt with in accordance with provisions of rule 6 of these rules; provided that in-hospital treatment is taken in hospitals/institutions owned or managed by the Government and/or private institutions recognised as per rule 6-A inserted vide Notification SRO 142 dated 8-5-1998 subject to the conditions as laid down therein.] [Inserted by SRO 375, dated 27-8-1999.](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.[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] [Inserted vide SRO 142 dated 8-5-1998.<a name =] (a)there is no arrangement for the treatment/surgery for the said disease in the State Government 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, Vellore/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, Parembar, Madras.(viii)K.E.M. Hospital, Bombay.(ix)Bombay Hospital Bombay.(x)Sree Chitra Tribunal Institute of Medical Sciences and Technology, Trivandrum.(xi)S.S.K.M. Hospital, Calcutta.(xii)Kasturba Hospital Bhopal.(xiii)Samaritan Hospital, Always, Kerela. [(xiv) ***] [Sl. No. (xiv) deleted vide SRO 353, dated 30-12-2005.](xv)[The Heart Centre, New Delhi.] [Inserted vide SRO 96 dated 4-3-2002.](xvi)[Rajiv Gandhi Cancer Institute, New Delhi. [Serial No. (xvi) & (xvii) inserted vide SRO 15 dated 27-01-2004.](xvii)Ranbaxy Heart Institute, Chandigarh.][****] [Proviso which was inserted by SRO 96 dated 4-3-2002, deleted by SRO 353, dated 30-12-2005.][Provided that the reimbursement 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 Sciences, New Delhi and P.G.I. Chandigarh respectively.] [Inserted vide SRO 15 dated 27-01-2004.]Note 1 In case treatment is taken in Appolo Group of Hospitals (Delhi, Madras, Hyderabad), Escorts Heart Institute, Delhi and Jaslok 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 2. The references/recommendations of the Head of Speciality of the Government Hospital in the State, while referring the patients to aforementioned hospitals, should be countersigned by Principal, Medical College and/or Director Health Services and/or Director SKIMS, as the case may be, and the later should ensure maintenance of proper accounts of such references/recommendations.[Note 3. The reimbursement in the case of Heart Centre, New Delhi shall be restricted to the rates of the admissible items prevalent in All India Institute of Medical Sciences, New Delhi.] [Inserted vide SRO 353, dated 30-12-2005.]

7. Medical Allowance

(1)Government servants shall be allowed medical allowances at a uniform rate of Rs. [300 per month.] [Substituted for "100 per month" by SRO No. 344 dated 19-10-2006, w.e.f. 1-10-2006.](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 debitable to salaries under the respective account heads to be booked distinctly under the detailed sub-head "Medical Allowance".

8. Right of changing 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.

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. Annexure 'A' Register of Beneficiaries Government of Jammu and Kashmir 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	Marks of identification	No. of Index card issued	Date of issue	Initials of Head Office	Remarks
1	2	3	4	5	6	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 Jammu and Kashmir Civil Service (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 _____ Rio 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	Occupation if any and income therefrom	Marks of identification	Remarks
1	2	3	4	5	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. Annexure 'C' Government of Jammu and Kashmir Jammu and Kashmir Civil Service (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 Jammu and Kashmir Civil Service (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 :- _____

and Designation of Specialist with Official Seal. Annexure 'E' Government of Jammu and Kashmir Jammu and Kashmir Civil Service (Medical Attendance-cum-Allowance) Rules, 1990 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

- | | | |
|----|--|-------|
| 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