

CENTRAL SERVICES (MEDICAL ATTENDANCE) RULES, 1944

PREAMBLE

In exercise of the powers conferred by sub-section (2) of section 241, read with sub-section (3) of section 313 of the Government of India Act, 1935, the Governor General – in – Council is pleased to make the following Rules, namely:

Rule 1 SHORT TITLE AND EXTENT OF APPLICATION

- Rule 1 (1). These rules may be called the Central Services (Medical Attendance) Rules, 1944.
- Rule 1 (2). They shall apply to all Government servants other than (i) those in railway service and (ii) those of non-Gazetted rank stationed in or passing through Calcutta, whose conditions of service are prescribed by Rules made or deemed to be made by the Central Government, when they are on duty, leave or Foreign Service in India or when under suspension

Rule 2. DEFINITIONS

- In these Rules, unless there is anything repugnant in the subject or context:-
- Rule 2 (a) “Authorised Medical Attendant” means –
- (i) in respect of a Government servant who belongs to a Central Service, Class I, or whose pay is not less than Rs.500 per mensem, the Principal Medical Officer of the district appointed by the Government to attend its officers in the district;
 - (ii) in respect of Government servant not belonging to a Central Service Class I, whose pay is less than Rs.500 but more than 150 per mensem, an assistant surgeon grade I (Medical Graduate), or other medical officer appointed by the Government to attend its officers in the station.;
 - (iii) in respect of any other government servant an Assistant Surgeon Grade II (Medical Licentiate), or other Medical Officer, similarly appointed.
- Rule 2 (b) “Districts” means the district in which the Government servant falls ill.
- Rule 2(c) “The Government” means –

- (i) in respect of a Part “A” or Part “B” state, the State Government; and
- (ii) in respect of a Part “C” State, the Lieutenant Governor or the Chief Commissioner, as the case may be.

Rule 2 (d) “Government Hospital” includes a Military Hospital, subject to the provisions of Appendix 32 to the Regulations for Medical Services of the Army in India, 1937, a hospital maintained by a local authority and any other hospital with which arrangements have been made by the Government for the treatment of government servants.

Rule 2 (e). “Medical Attendance” means-

- (i) in respect of a government servant specified in sub-clause(a), attendance in hospital or at the residence of government servant, including such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis as are available in any government hospital in the district and are considered necessary by the authorised medical attendant and such consultation with specialist or other medical officer in the services of the Government stationed in the state as the authorised medical attendant certifies to be necessary, to such extent and in such manner as the specialist of medical attendant determine;
- (ii) in respect of any other government servant but excluding a member of the central service class IV, attendance at a hospital or in the case of illness which compels the patient to be confined to his residence, at the residence of the government servant, including such methods of examination for purposes of diagnosis as are available in the nearest government hospital and such consultation with a specialist or other medical officer of the government stationed in the district as the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist for medical officer may, in consultation with the authorised medical attendant, determine;
- (iii) in respect of a member of the central service, class IV, attendance at a hospital including such methods of examination for purposes of diagnosis as are available in the nearest government hospital and such consultation with a specialist or other medical officer of the government stationed in the district as the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorised medical attendant, determine.

Rule 2 (f) “Patients” means a government servant to whom these Rules apply and who has fallen ill;

- Rule 2 (g) “State” means the State in which a patient has fallen ill;
- Rule 2 (h) “Treatment” means the use of all medical and surgical facilities available at the Government hospital in which the Govt. servant is treated and includes-
- (i) the employment of such pathological, bacteriological, radiological, or other methods as are considered necessary by the authorised medical attendant;
 - (ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;
 - (iii) the supply of such medicines, vaccine, sera or other therapeutic substances not ordinarily so available as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the Government servant;
 - (iv) such accommodation as is ordinarily provided in the hospital and is suited to his status; accommodation in general or free wards in the hospital being regarded as suitable for a member of the Central Services, Class IV;
 - (v) such nursing as is ordinarily provided to in-patients by the hospitals; and
 - (vi) the specialist consultation described in clause (e) but does not include diet or provision at the request of the Govt. servant or accommodation superior to that described in sub-clause (iv).

Rule 3 MEDICAL ATTENDANCE

- Rule 3 (i)- A Government servant shall be entitled, free of charge to medical attendance by the authorised medical attendant;
- Rule 3 (ii)- Where a Government servant is entitled under sub-rule (i), free of charge, to receive medical attendance, any amount paid by him on account of such medical attendance shall, on production of a certificate in writing by the authorised medical attendant in this behalf be reimbursed to him by the Central Government.

Rule 4 TRAVELLING ALLOWANCE FOR MEDICAL ATTENDANCE JOURNEYS

- Rule 4 (i)- When the place at which a patient falls ill is more than five miles by the shortest route from the consulting room of the authorised medical attendant-
- (a) the patient shall be entitled to traveling allowance for the journey to and from such consulting room, or

- (b) if the patient is too ill to travel the authorised medical attendant shall be entitled to traveling allowance for the journey to and from the place where the patients.

Rule 4(ii)- Application for traveling allowance under sub-rule (i) shall be accompanied by a certificate in writing by the authorised medical attendant stating that medical attendance was necessary and if the application is under clause (b) of that sub-rule that the patient was too ill to travel.

Rule 5 CONSULTATION WITH SPECIALIST

Rule 5 (1)- If the authorised medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, he may, with the approval of the Chief Administrative Medical Officer of the State (which shall be obtained beforehand unless the delay involved entails danger to the health of the patient)-

- (a) send the patient to the nearest specialist or other medical officer as provided in clause (e) of Rule 2, by whom, in his opinion, medical attendance is required for the patient; or
- (b) if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.

Rule 5(2)- A patient sent under clause (a) of sub-rule (1) shall on production of a certificate in writing by the authorised medical journeys to and from the headquarters of the specialist or other medical officer.

Rule 5(3)- A specialist or other medical officer summoned under clause (b) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

Rule 6 MEDICAL TREATMENT

Rule 6 (1)- A Government servant shall be entitled, free of charge, to treatment-

- (a) in such Government hospital at or near the place where he falls ill as can in the opinion of the authorised medical attendant provide the necessary and suitable treatment; or
- (b) if there is no such hospital as is referred to in sub-clause (a) in such hospital other than a Government hospital at or near the place as can in the opinion of the authorised medical attendant, provide the necessary and suitable treatment;

Rule 6(2)- Where a Government servant is entitled under sub-rule (1), free of charge, to treatment in a hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be reimbursed to him by the Central Government.

Rule 7 **TREATMENT AT RESIDENCE**

- Rule 7 (1)- If the authorised medical attendant is of opinion that owing to the absence or remoteness of a suitable hospital or to the severity of the illness, a Govt. servant cannot be given treatment as provided in clause (a) of sub-rule (1) of Rule 6, the Government servant may receive treatment at his residence.
- Rule 7(2)- A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him a sum equivalent of the cost of such treatment as he would have been entitled, free of charge, to receive under these rules if he had not been treated at his residence.
- Rule 7(3)- Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorised medical attendant stating-
- (a) his reasons for the opinion referred to in sub-rule (1); and
 - (b) the cost of similar treatment referred to in sub-rule (2).

Rule 8 **OTHER MEDICAL FACILITIES**

- Rule 8 (1)- Charges for services rendered in connection with but not included in medical attendance on, or treatment of, a patient entitled, free of charge, to medical attendance or treatment under these Rules, shall be determined by the authorised medical attendant and paid by the patient.
- Rule 8(2)- If any question arises as to whether any service is included in medical attendance or treatment it shall be referred to the Government and the decision of the Government shall be final.

Rule 9- **COUNTERSIGNATURE OF CERTIFICATES**

- The Controlling Officer of a patient may require that any certificate required by these Rules to be given by the authorised medical attendant for traveling allowance purposes shall be countersigned-
- (a) in the case of a certificate given by the principal medical officer of a district, by the Chief Administrative Medical Officer of the State; and
 - (b) in the case of a certificate given by any other medical officer, by the principal medical officer of the district.

Rule10- **TRANSFER TO FOREIGN SERVICE**

No Government servant shall be transferred to foreign service unless the foreign employer undertakes to afford to him so far as may be privileges not inferior to those which he would have enjoyed under these Rules if he had been employed in the service of the Government of India.

Rule11- **TREATMENT OUTSIDE INDIA**

- Rule 11 (1)- A Government Servant shall be eligible to obtain medical treatment outside India or, as the case may be, to claim reimbursement of the cost of

medical treatment obtained inside or outside India in accordance with the provisions of this rule.

Rule 11 (2)- A Government Servant desirous of availing of medical treatment outside India may make an application through the Department/Ministry to which the Government servant is attached to the Standing Committee established under this rule in the form specified by the Standing Committee.

Rule 11 (3)- A Government servant desiring to avail of medical treatment outside India for himself or for a member of his family for any treatment specified in the Table below shall, subject to the other provisions of this rule, be eligible for medical treatment outside India.

Table

- (1) Complex/high risk Cardio Vascular Surgery cases for treatment at Centres with extensive experience;
- (2) Bone marrow Transplant;
- (3) Complex Medical and Oncological Disorders, such as leukaemia and Neo-plastic conditions;
- (4) Complex high risk cases in Micro Vascular and Neuro Surgery for treatment at Centres with extensive experience;
- (5) Treatment of extremely complex ailments other than those mentioned above which in the opinion of Standing Committee can only be treated abroad and fall in the high risk category.

Rule 11 (4)- It shall be competent for the Central Government to review from time to time the list of treatment facilities as specified in the Table to sub-rule (3) and make such additions or deletions as it may deem fit by notification in the Official Gazette.

Rule 11 (5)- The Central Government may for purposes of this rule, constitute a Standing Committee consisting of :-

- (a) the Director-General of Health Services in the Ministry of Health in the Central Government,
- (b) the Director-General of Armed Forces Medical Services.
- (c) the Director-General of the Indian Council of Medical Research, and
- (d) the Joint Secretary in the Ministry of Health and Family Welfare (Convener), for purposes of considering and recommending to the Central Government cases for medical treatment outside India.

Rule 11 (6)- On receipt of an application for medical treatment outside India, the Standing Committee may, it after due consideration, satisfied that the ailment or treatment can be treated only outside India, issue a certificate to the concerned Department or Ministry to which the applicant Government

servant is attached conveying its approval of the application and the concerned Department or Ministry shall, on the strength of that certificate incur necessary expenditure in getting the Government servant concerned or the member of his family treated outside India in accordance with the procedure laid down by the Standing Committee.

Rule 11 (7)- It shall be competent for the Central Government to authorize reimbursement of expenditure on medical treatment obtained outside India, if it is satisfied that the prior approval could not be obtained by the Central Government servant due to circumstances beyond control;

Provided that the Government servant fulfils all other conditions relating to medical treatment outside India under this rule.

Rule 11 (8)- The Standing Committee may, if it is satisfied that in the interest of the Government servant or the member of his family obtaining treatment abroad it is essential so to do, recommend one attendant to accompany the Government servant or the member of his family, as the case may be, and the expenditure so incurred shall also be eligible for reimbursement.

Rule 11 (9)- Where the Standing Committee, on receipt of an application for medical treatment outside India consider that adequate facility for treatment of the ailment sought to be treatment is available in any medical institution within India, it shall record such a finding and authorize treatment of such ailment in such medical institution within India whereupon the cost of such treatment shall be reimbursed.

Rule 11 (10)- For purposes of sub-rule(9), the Ministry of Health in consultation with the Standing Committee shall, from time to time, notify the names of such institutions along with the ailments and the types of treatment available in such institutions.

Rule 11 (11)- The scale of expenditure and the eligibility for treatment for which a Government servant or a member of his family shall be entitled, shall be identical to the scale of expenditure and the eligibility of an official of the Indian Foreign Service of the corresponding grade in the Ministry of external Affairs under any Assisted Medical Attendance Scheme for the time being in force.