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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 15.09.2025+ **W.P.(C) 16772/2024**

MANGE RAM SHARMA

.....Petitioner

Through: Mr. Anubhav Singh, Mr. Nitin Kumar
and Ms. Maria Mary, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ashish K. Dixit, CGSC,
Mr. Umar Hashmi, Adv. for UOI.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition has been filed by the petitioner assailing the action of the respondents, whereby in meetings held on 21.06.2022, 23.01.2024 and 17.09.2024, the respondent's committee declined to process the petitioner's claim for the provision of a right lower limb extension prosthesis for his daughter.

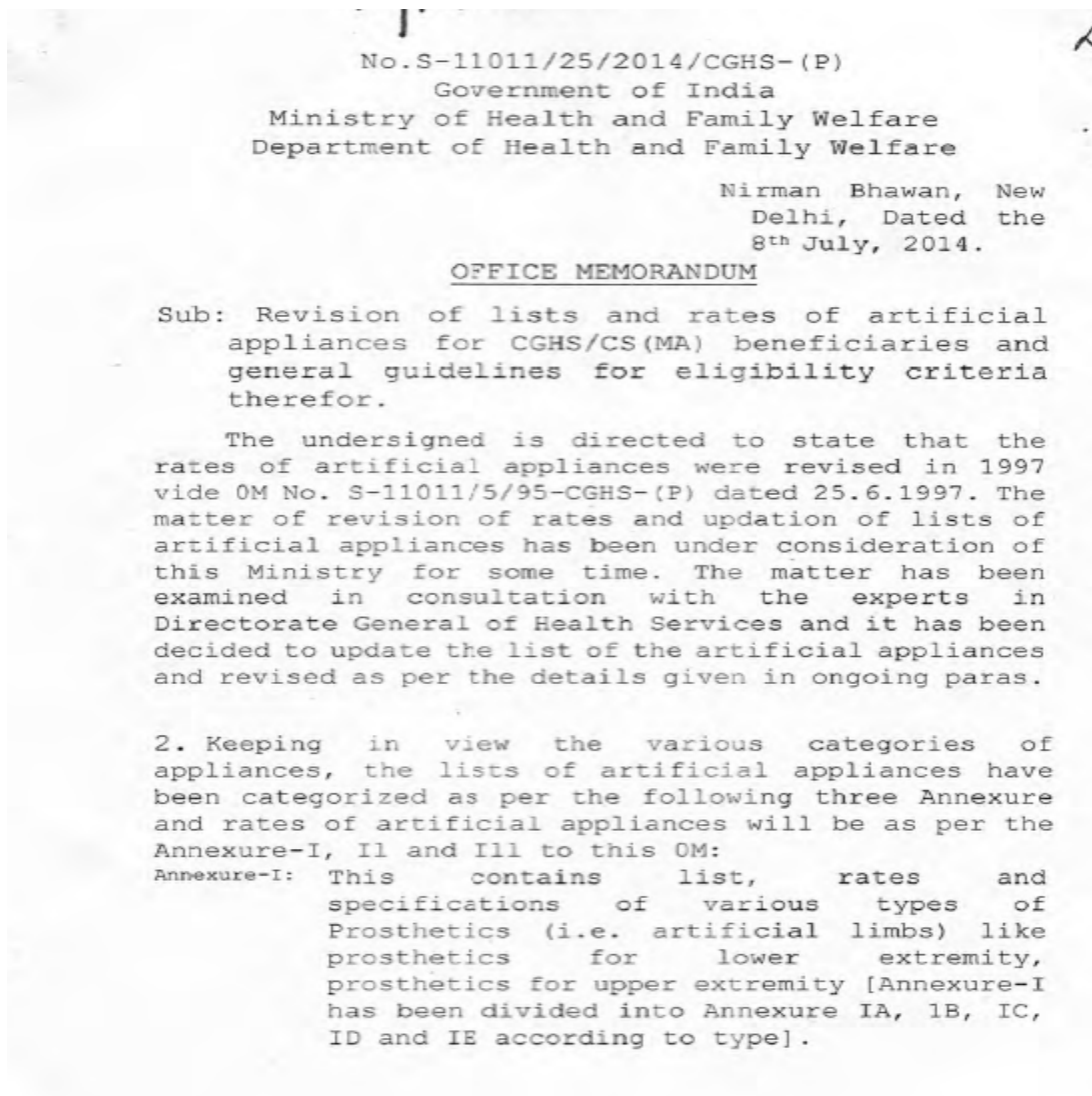
2. It is stated that the petitioner's daughter suffers from a 65% permanent physical disability affecting her right lower limb. Her condition is medically complex, as she has been diagnosed with both Proximal Femoral Focal Deficiency (CFFD) and Cervico-Thoracic Congenital Scoliosis.

3. It is submitted that given the peculiar affliction of the petitioner's daughter, Orthopaedic Department of AIIMS has prescribed a specialized



extension prosthesis.

4. It is an admitted position between the parties that the petitioner's entitlement is to be assessed on the basis of Office Memorandum No. S-11011/25/2014/CGHS-(P) dated 08.07.2014, issued by the Ministry of Health and Family Welfare, Government of India. The said memorandum, duly placed on record and annexed to the present petition as Annexure-P6, reads as under:





Annexure-11: This contains the list, rates and specifications pertaining to the orthotics (i.e. callipers & braces) including lower extremity, upper extremity and spinal orthotics. [Annexure-II has been divided into Annexure-IIA, 11B and IICI.

Annexure-111: This contains specifications and rates for items related to mobility aids.

3. The general guidelines for admissibility and reimbursement of expenses in respect of appliances mentioned in Annexures-1, 11 & 111 will be as under:

- (i). Maintenance Cost will be borne by the beneficiary.
- (ii). The appliances will be allowed for re-issue on completion of 5 years in case of adults and 2 years in the case of children except motorized wheel chair and tricycle.
- (iii). Motorized wheel chair and tricycle will be re-issued after 5 years irrespective of age.
- (iv). High end prosthetics/ appliances will be reimbursed only to the following category of Govt. Servants & their dependent family members subject to fulfilling of other criteria :-
 - (a) Govt. Servants & their dependent family members participating at the State level sport activities duly certified by the competent Sports Authority.
 - (b) Upper Age limit for the sophisticated prosthetic appliances will be 45 years.
 - (c) Military or para-military personnel duly certified by their respective Medical Boards that the person has sustained injury while on field duty or undergone amputation because of injury sustained while performing such duty.
 - (d) The reimbursement will be made within the ceiling limit fixed for such appliances beyond which the beneficiary will bear the cost
- (v). For admissibility of reimbursement, the appliances need to be prescribed by a Professor/ Senior Specialist or Specialist of equivalent rank working in any Govt. hospitals in the specialties of Physical Medicine and



Rehabilitation (PMR) or Orthopaedic surgery. The prescription should be in generic name and not by proprietary name.

- (vi). Prosthetic components and Orthotic joints used in appliances should have BIS/CE (European) Certification for the purposes of reimbursement and fabricated by firms having qualified Prothesist/Orthotists.
 - (vii). Keeping in view, the physical growth into consideration, individuals upto 12 years of age will be considered as children for the purpose of these guidelines in general. However, in order to rationalize the rates for some of the items, specific age group has been mentioned against the individual items in Annexure-I and Annexure-II, based on the size of the appliances.
 - (viii). There may be certain items which are not included in Annexure, but may be prescribed by qualified Government Rehabilitation Specialist/Orthopaedic Surgeon, (not below the level of Consultants), depending on individual disabled patient's requirements for example disability car gadgets. In such cases, items costing below Rs.50,000/can be purchased with three quotations as per prescribed specifications with the permission of HOD of the concerned departments. For items costing above Rs. 50,000/- prior permission will have to be obtained from Additional Directors, CGHS of the concerned city or concerned DDG in the Dte.GHS looking after CS(MA) Rules, on the basis of three quotations and approval of Technical Standing Committee.
 - (ix). The artificial appliances should be procured from any Government Undertaking/ Authorised Alimco dealers, N.G.Os approved by Ministry of Health & Family Welfare/ and private manufactures. It should be certified by the prescribing Government Orthopaedic Surgeon/ Government Rehabilitation Specialists (PMR) to the effect that the appliances are as per Specification and working satisfactorily.
 - (x). The list of items and rates will be revised every 5 years.
 - (xi). Reimbursement of items in the enclosed list will be made by HODs of the departments and CGHS in case of Pensioner CGHS beneficiaries, etc.
4. This OM supersedes all earlier orders issued from time to time under CGHS/CS (MA) Rules, 1944 on the



subject for allowing reimbursement in respect of artificial appliances for CGHS/CS(MA) beneficiaries.

5. This OM will come into effect from the date of issue and will be valid till revision of the rates after five years.

6. This issues with the approval of Secretary (H&FW) and concurrence of Integrated Finance Division.

(Ravi Kant)

Under Secretary to the Government of India

1. All Ministries/ Departments, Government of India
2. DDG(M), Dte.GHS/CMO(SRA), Dte.GHS, Dte.GHS, MoHFW
3. Director, CGHS, Nirman Bhawan, New Delhi
4. Addl.DDG(HQ), CGHS, MoHFW, Nit-man Bhawan, New Delhi
5. AD(HQ), CGHS, R.K.Puram, Sector-12, New Delhi
6. All Addl. Directors/Joint Directors of CGHS cities outside Delhi
7. Additional Director SZ/(CZ)/(EZ)/(NZ)/(MSD), CGHS, New Delhi
8. JD(HQ), JD (Grievance)/JD (R&H), CGHS, Delhi
9. Rajya Sabha/Lok Sabha Secretariat, New Delhi
10. Registrar, Supreme Court of India, New Delhi
11. U.P.S.C. Dholpur House, New Delhi
12. Office of the Comptroller & Auditor General of India, Bahadur Shah Zafar Marg, New Delhi
13. PPS to Secretary (H&FW)/Secretary (AYUSH)/Secretary (HR)/ Secretary (AIDS Control), Ministry of Health & Family Welfare
14. PPS to DGHS/AS&DG (CGHS)/AS&FA/AS&MD, NRHM/AS (H), MoHFW, New Delhi
15. CGHS(P) Section/ MS Section/ Hospital Empanelment Cell, CGHS/MGIL Section, Dte.GHS, Nirman Bhawan, New Delhi

5. It is further submitted that the prosthesis, as required by the petitioner, has previously been treated by the respondents as 'unlisted' under the CGHS framework. Accordingly, Clause 3(viii) of the aforementioned Office



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categorically acknowledges that the prosthesis required by the petitioner's daughter is unlisted under CGHS provisions. The said communication reads as under:

F.No.3-2/2021-CGHS/R&H/NZ/ 2534
Central Govt. Health Scheme,
Office of the Addl. Director(NZ),
New Rajinder Nagar, New Delhi.

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Date: 9/12/21

To,

Sh.Mange Ram Sharma,
H.No, WZ-1095
Street no 10, Sadh Nagar
Palam Colony
New Delhi-110045

Sub:- Request for approval of extension prosthesis for M/s Anju Sharma.

Sir,

With reference to your letter dated 12/11/2021 it is to be informed that your request for approval of extension prosthesis for your daughter M/s Anju Sharma was sent for justification/ expert opinion to HOD, (PMR) Safdarjung Hospital as this prosthesis is unlisted in CGHS. They have made the observation that the patient may be requested to attend PMR OPD in Safdarjung Hospital on any working day during OPD hours.

This is for your information and is issued with the approval of Addl. Director, CGHS (NZ).

Yours Sincerely

Copy to:-

1. Office copy.

Anju Sharma
21/12/21

Anil
21/12/21

Chief Medical Officer (R&H)
CGHS Zone
New Delhi

Chief Medical Officer (R&H)
CGHS Zone
New Rajinder Nagar
New Delhi-110060

7. In the aforesaid circumstances, it is evident that the applicability of



Clause-3(viii) of the Office Memorandum dated 08.07.2014 has been acceded to by the respondent in correspondence. The same is also evident from the respondents' own conduct in granting previous sanction to the petitioner for the procurement of the required prosthesis, amounting to Rs.2,08,500/-.

8. The said approval granted (vide Sanction Order dated 20.10.2016) by the competent authority was premised upon the application of Clause-3(viii) the very same Office Memorandum dated 08.07.2014. It is pertinent to note that the earlier prosthesis purchased pursuant to the said sanction had a limited shelf life, thereby necessitating its replacement.

9. *Vide* order dated 29.04.2025, taking note of the aforesaid circumstances, it was directed as under:

“3. It also transpires that on a previous occasion, in the year 2015, by virtue of the same office memorandum, requisite sanction was granted to the petitioner to purchase the prosthesis for a sum of Rs.2,08,500/-. As noticed, the approval granted by the competent authority based on the application of the very same office memorandum.

4. It is submitted by the learned counsel on behalf of the petitioner that the prosthesis purchased by the petitioner based on the sanction granted in 2015 had a limited shelf life. Thus, consequently, in the year 2021, the petitioner was required to purchase another prosthesis for which once again the petitioner initiated the process of seeking requisite approval. Incomprehensibly, on this occasion, the requisite permission was not granted by the competent authority.

5. Mr. Ashish Dixit, learned Standing Counsel fairly states that the matter shall be once again placed before the High-Powered committee who shall take a decision by taking into account the previous approval granted in 2015 (on the basis of the very same office memorandum). Let the said exercise be conducted within a



period of three weeks.”

10. Pursuant to the above directions, a meeting is stated to have been convened on 20.05.2025, wherein the petitioner’s claim was once again rejected, with the respondents reiterating their earlier decision dated 21.06.2022, in terms of which entitlement of the petitioner has to be restricted to Rs.73,040/ on the basis that the petitioner’s case is covered by item no-7.a of Annexure-IA of office memorandum dated 08.07.2014.

11. The position adopted by the respondent is untenable, not only in view of the peculiar and complex medical condition of the petitioner’s daughter, but also on account of the respondent’s own prior conduct, as noticed hereinabove.

12. In the circumstances, the petitioner is directed to submit fresh quotations to the respondent/s for the procurement of the requisite prosthesis. The respondents are directed to verify the said quotations within a period of two weeks thereafter and issue the requisite sanction immediately thereafter.

13. The petition is disposed of in the above terms.

14. List for reporting compliance on 11.11.2025 .

SACHIN DATTA, J

SEPTEMBER 15, 2025/cl