



## CENTRAL ADMINISTRATIVE TRIBUNAL

### CHANDIGARH BENCH

O.A. No. 60/1380/2017

Chandigarh, this the day of 3<sup>rd</sup> day of March, 2020

### **HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

Gurdev Singh Azad s/o Sh. Phuman Singh (Group-B) Ex. Asstt. Divisional Accounts Officer aged 76 years, r/o Mandir Street Azad Nagar Firozpur (Punjab).

#### **...Applicant**

(BY: Mr. Karnail Singh , Advocate)

Versus

1. General Manager, Northern Railways, Headquarter Office, Baroda House, New Delhi.
2. Chief Medical Superintendent, Northern Railway, Firozpur.

#### **... Respondents**

(BY:Mr. Lakhinder Bir Singh, Advocate)

#### **O R D E R (Oral)**

#### **Sanjeev Kaushik, (Member) (J):**

The applicant has assailed order dated 26.5.2017 whereby his claim for reimbursement of medical claim has been rejected being not covered under Railway Board letter dated 31.1.2007.



2. Heard the learned counsel for the respective parties and have not through the material on file with their able assistance.
3. The applicant was operated for Cataract Extension with IOL implantation Left Eye as an emergency to avoid onset of Phakomorphi9c Glaucoma. A certificate to this effect dated 24.2.2017 (Annexure A-2) issued by the J.P. Eye Hospital. It is stated that case of the applicant is also covered by Railway Board letter dated 31.1.2007 (Annexure A-3) wherein they have explained cases of real emergency situation. Thus he argued that in term of certificate given by the doctor of J.P. Eye Hospital where the applicant was operated as emergency the impugned order is liable to be set aside.
4. Per contra, learned counsel for respondents argued that the case of the applicant cannot be said to be an emergency case and thus they have rightly rejected the claim of applicant.
5. I have given my thoughtful consideration to the entire matter and of the opinion that the impugned order does not suggest or respondents have not placed on record any documents against certificate issued by J.P Eye Hospital dated 24.2.2017 (Annexure A-2) that the applicant was not operative for Cataract Extension with IOL implantation left



eye as an emergency. Considering that there is no view against the view of Doctor opined in certificate (Annexure A-2), I disposed of this Original Application by directing the respondents to reconsider the claim of the applicant after having opinion from the Doctor about the emergency (Annexure A-2) by passing a speaking order which shall be communicated to the applicant. If the case of the applicant is found to be an emergency case, the amounts incurred by him be released to him. The O.A. stands disposed of accordingly with no order as to costs.

**(Sanjeev Kaushik)**

**Member (J)**

Place: Chandigarh  
Dated: 03.03.2020  
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