

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3341/2001

This the 18th day of September, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Hari Shankar Kathuria
Ex. Shop Superintendent
Northern Railway, Jodhpur
presently resident of 2/76
Shivaji Nagar, Gurgaon, Haryana.

...Applicant

(By Advocate: Sh. Vivek proxy for
Sh. R.N.Singh)

Versus

1. Union of India
Ministry of Railways
Rail Bhawan, New Delhi - 110 001.
2. The General Manager
Northern Railway
Baroda House
New Delhi.
3. The Chief Medical Director
Northern Railway
Baroda House, New Delhi.
4. The W.A.O.
Northern Railway Workshop
Jodhpur, Rajasthan.

...Respondents

(By Advocate: Sh. V.S.R.Krishna)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA being aggrieved of the fact that the respondents have not settled the payment of medical reimbursement bill No.4245 dated 18.10.96 arising out of the bye-pass surgery of the applicant which he underwent on 1.10.96.

2. The facts as alleged by the applicant are that the applicant is a retired Railway employee and is residing at Gurgaon, Haryana.

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3. Respondent No.1 is stated to have introduced a new health scheme w.e.f. 28.9.88 known as "The Retired Employees Liberalised Health Scheme (RELHS) for the retired Railway employees as per Annexure A-1.

4. Applicant further alleges that he suffered from serious heart ailment in the year 1996 and approached the G.B.Pant Hospital, New Delhi and the Northern Railway Central Hospital, New Delhi, being a member of the RELHS for treatment. Various tests were conducted at Northern Railway Central Hospital, New Delhi and thereafter applicant suffered serious heart ailment and referred to Medical Officer, Southern Railway, Madras for a CABG on 26.9.96 vide Annexure A-2. However, before the applicant could go to Madras on 27.9.96 he suffered severe heart attack and he was rushed to Escorts Heart Institute and Research Centre, New Delhi to save his life where he remained hospitalised from 27.9.96 to 17.10.96 and was discharged on 18.10.96. The applicant incurred an expenditure for a sum of Rs.1,80,480/- for his treatment as hospital expenses as per bill dated 18.10.96, Annexure A-3. After having been discharged he requested for the compensation of the same as per the RELHS policy. As in response to that respondent No.3 required the applicant to furnish the original bills/vouchers etc. dated 17.12.96, Annexure A-5. Applicant submitted the same in prescribed proforma to the Chief Medical Superintendent in January 1997. The Chief Medical Superintendent, Jodhpur has also sent the case to Resp. No.3 vide his letter dated 5.9.97 for necessary action. However, despite the applicant having submitted the claim, Resp.3 have not taken any action and settled the same and sleeping over the same despite various reminders. Legal notice is also

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alleged to have been served upon the respondents but to no effect. But since the claim of the applicant has not been settled till date, applicant has filed this OA.

5. The applicant also claims that he had to be operated in the specialised hospital as an urgent case as diagnosed by the attending doctor in the interest of his life and the applicant could not approach the authorities of Railway hospital in the Madras in the facts and circumstances of the case.

6. The OA is being contested by the respondents. Respondents admit that applicant is a Member of RELHS. They also admit that applicant had submitted a claim for Rs.1,78,350/- for the reimbursement of medical expenses incurred by him but the main objection taken by the respondent is that it was a non-referred case and it is of a non-Govt. hospital. Respondents further raised an objection that as per the Railway Board's letter, medical expenses incurred by a retired railway employee and his spouse for treatment involving an operation of cancer, heart surgery or renal failure in a recognised specialised hospitals/government hospital should be reimbursed fully upto a limit of Rs.1 lac per person and overall ceiling of Rs.2 lacs and such facilities are available once in life time and the limit of Rs.1 lac is applicable for only one operation and not for a number of operations involving smaller amounts.

7. Thus, it is submitted that applicant's case is not at all covered under the eligibility for reimbursement but taking a sympathetic view view and considering the emergency and genuineness of the claim, the case was reconsidered in the competent authority's office and following the guidelines laid down by Railway Board's letter dated 28.9.98, the applicant



has been sanctioned an amount of Rs.50,900/- the same being 50% of the expenses had the patient been referred to Govt. hospital for the same treatment and the same has been paid to the applicant. His further claims thus not maintainable. It is further stated that applicant is not entitled to any further amount.

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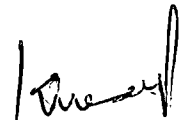
8. I have heard the learned counsel for the parties and gone through the record.

9. The main objection of the respondents is that it is a non-referred case, so the applicant is not entitled for full amount as per the RELHS. However, on going through the reply filed by the respondents particularly para 4.5 where the respondent admit the allegation of the applicant that the case of the applicant was referred and the applicant was advised to report to Southern Railway, Madras for CABG surgery on 26.9.96. However, the applicant suffered serious heart attack on 27.9.96 itself meaning thereby that hardly sufficient time was left for the applicant to approach the Southern Railway, Madras for CABG surgery. But the fact remains admitted that the Northern Railway Central Hospital itself has referred the applicant to Southern Railway, Madras for CABG surgery. The suffering of the heart attack was the only reason that the applicant had not approached the Southern Railway, Madras on 27.9.96 that goes to show that there was an acute emergency and the applicant was in fact unable to consult the Southern Railway Medical Authority at Madras for undergoing CABG surgery, which was required to be performed even as per the medical opinion given by the Northern Railway Hospital, New Delhi.



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10. The fact that the applicant had undergone surgery after being admitted on 27.9.96 itself is not denied by the Railway authorities at all. In such like cases, I am of the considered opinion that the applicant is entitled to reimbursement of medical bill in full as per the RELHS as applicable to the applicant. Grant of 50% of reimbursement by taking a sympathetic view is not proper on the part of the Railway authorities. Being a retired employee of the Railways he has a right for full reimbursement under RELHS in case, he fulfils the conditions as prescribed in the RELHS since the only objection is that the applicant had taken treatment from a non-referred hospital but at the same time the facts on record make it clear that the Railway Hospital at New Delhi had itself diagnosed the case of the applicant for a CAGB surgery and that is why the Railway Hospital has itself referred to the applicant to Southern Railway, Madras and in such like cases one never knows when the emergency arise and the emergency is arising on the very next day so applicant has not followed the provisions of RELHS, rather Railway should itself come forward and should have been sanctioned the full amount for the surgery as per RELHS itself. Accordingly, I allow the OA and direct the respondents to reimburse the medical expenses to the applicant in full as per RELHS. This should be done within a period of 2 months from the date of receipt of a copy of this order.


(KULDIP SINGH)
Member (J)

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