

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.473/2001

New Delhi this the 1st day of November, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Kishan Shah,  
S/o M. Shah,  
R/o 63/1, Mochi Bagh,  
Moti Bagh-II,  
New Delhi-110 021.

-Applicant

(By Advocate Shri Harvir Singh)

-Versus-

1. Union of India through  
the Secretary,  
Ministry of Urban Development,  
Nirman Bhavan, New Delhi.

2. The Executive Engineer,  
Central Public Works Department,  
Circle IX, R.K. Puram,  
New Delhi-110 066.

-Respondents

(By Advocate Shri S.K. Gupta)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard both the parties.

2. The applicant in this case has challenged an order dated 20.9.2000 wherein his claim for medical re-imbusement has been rejected, as he has taken treatment from a private hospital without proper advice from the Government hospital. Though the applicant has not preferred any representation against this order, he contends that in case of urgency and the illness was of such nature which required immediate treatment the rules would have no application and the rejection of the claim is arbitrary.

3. As the applicant has not preferred any representation Shri S.K. Gupta, learned counsel for the respondents fairly submitted that in case a detailed

representation is filed the same would be considered and the claim of the applicant for medical re-imburement would be considered in accordance with the rules and circumstances of the case. 9

4. Having regard to the facts, ends of the justice would be duly met if the respondents are directed to treat the OA as a representation of the applicant for medical re-imburement having regard to the circumstances in which the treatment has been taken and to pass a detailed and speaking orders in accordance with the rules. The applicant shall also, in detail, by way of additional representation state the circumstances to the respondents which under he has taken the treatment for which the medical reimbursement has been claimed. We order accordingly. The respondents shall complete the aforesaid exercise within a period of two months from the date of receipt of a copy of this order. In case the applicant is still aggrieved, he is at liberty to assail any order that may be passed in accordance with law. The OA is disposed of at the admission stage itself. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

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