

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O. No. 1377/98

Decided on 18<sup>th</sup> February 1999

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Shri Amar Nath Goyal,  
S/o Shri

Programme Executive,  
All India Radio, Kingsway Camp,  
Delhi.

R/o DB-17D, Hari Nagar,  
New Delhi

..... Applicant.

(By Advocate: Shri S. Y. Khan)

Versus

Union of India, through

1. Secretary,  
Ministry of Information & Broadcasting,  
Shastry Bhavan, Dr. Rajendra Prasad Marg,  
New Delhi.

2. Station Director,  
All India Radio,  
Jaipur.

.... Respondents.

(By Advocate: Shri Gajendar Giri)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant claims reimbursement of Rs. 18,238/- incurred by him towards medical treatment undertaken by him in the Nursing Home of R.G. Stone, Urological Research Institute, New Delhi.

2. Applicant's case is that while working as Programme Executive AIR, New Delhi he developed a stone in his gall bladder. Respondents transferred him to AIR Jaipur when the gall bladder stone became very active causing him unbearable pain. After consulting a doctor in Jaipur, he applied for leave to visit his family who were staying in Delhi which was sanctioned. Accordingly

he came to Delhi, and during his leave period he developed unbearable pain and was admitted to R.G. Stone, Urological Research Institute, New Delhi in an unconscious condition where he was advised immediate gall bladder operation which was performed successfully on 24.2.97. Applicant asserts that R.G. Home Institute is a recognised nursing home for CGHS beneficiaries and he had no time to seek prior approval from CGHS, Jaipur for getting the operation done. He states that upon resuming duty he submitted his claim along with relevant documents for reimbursement of Rs. 18,238/- incurred by him for the treatment at R.G. Stone Institute, New Delhi vide letter dated 27.3.97 (Annexure-A1), upon which he received letter dated 25.4.97 from respondents asking him to clarify why he did not take prior permission from C.G.H.S Jaipur before taking treatment at the said R.G. Stone Institute Nursing Home, upon which he sent his reply on 24.12.97 (Annexure-A3) but received no reply, compelling him to file this O.A.

3. Respondents in their reply challenged the O.A. They point out that upon applicant's transfer to Jaipur he applied for leave from 17.2.97 to 24.2.97 not for visiting his family in Delhi as claimed by him in para 4.3 of O.A, but for the explicit purpose of getting himself operated upon his gall bladder (Annexure-R4) which was sanctioned by Station Director, AIR, Jaipur. He also applied for CGHS Card on 14.2.97 which was handed over to him while he was on leave in Delhi. They state that as applicant was a CGHS beneficiary and had already

stated in his leave application his intention of getting himself operated upon in Delhi, it was incumbent upon him to get prior approval from CGHS in terms of Health Ministry's OM dated 21.6.96 (Annexure-R5) for getting his gall bladder operation performed at R.G. Stone Institute, New Delhi for which he had ample time before 24.2.97. In this connection they point out that contrary to applicant's claim that he was admitted to the hospital in emergency and unconscious condition and was immediately operated upon, the fact of the matter is that on 20.2.97 investigations were conducted on him at the hospital vide OPD Card (Annexure-R6) and he was advised to report on an empty stomach on 24.2.97 for the operation.

4. Respondents state further that after applicant had submitted his bills for reimbursement, he was asked to explain why he did not obtain prior permission from CGHS, Jaipur for his treatment at R.G. Stone Institute, New Delhi but no explanation was submitted by him, upon which his bills were returned vide letter dated 12.9.97. Respondents deny receipt of letter dated 24.12.97, and state that had he submitted an acceptable clarification, his case could have been considered by the competent authority. Respondents state that as the medical bills were returned to applicant on 12.9.97 and were not resubmitted by him it was not possible for Respondent No.2 to process the same.

5. As no final orders have been passed by Respondents on applicant's claims as yet, it is

fit and proper that they do so before the Tribunal is called upon to adjudicate in this matter on merits. Under the circumstances, it will be open to applicant to resubmit his claim for reimbursement supported by the medical bills and a self contained representation, on receipt of which respondents should dispose of the claims by a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within 3 months of its receipt by them. No costs.

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( S. R. ADIGE )  
VICE CHAIRMAN (A).

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