

Central Administrative Tribunal
Principal Bench

O.A. No. 167 of 1998

New Delhi, dated this the 5th October 1998

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

Shri Prem Kumar Anand,
S/o late Shri H.R. Anand,
R/o 167, Saini Enclave, FF,
Delhi-110092. APPLICANT

(By Advocate: Shri P.L. Mimroth)

Versus

1. Union of India through
The Secretary,
Ministry of Railway, Rail Bhawan,
New Delhi.

2. The Director General (Health),
Ministry of Railways,
Rail Bhawan, New Delhi.

3. The General Manager (Medical),
Northern Railway, Baroda House,
New Delhi. RESPONDENTS

(By Advocate: Shri Jitender Kumar
proxy counsel for Ms. Pinki Anand)

O R D E R

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

Applicant impugns respondents' order dated

10.6.97 sanctioning medical reimbursement as a
special case of Rs.35,000/- on account of medical
expenses incurred openheart bypass surgery at
Apollo Hospital, Delhi and claims reimbursement of
Rs.1 lakh with 18% p.a. interest thereon.

Applicant ~~was~~ retired on superannuation
31.10.89 and is admittedly covered under the Retd.
Employees Liberalised Health Scheme (RELHS). As
per applicant's O.A. upon being medically
examined in National Heart Institute on 10.9.96
for angiography test, he was advised for bypass
heart surgery (Ann. A-5 and A-6). He was also

examined medically in Northern Railway Central Hospital, New Delhi and was confirmed suffering from Triple Vessel Disease. On 4.11.96 he approached the Medical Director, Central Hospital for being referred to Apollo Hospital for by pass surgery (Ann. A-8). By letter dated 20.11.96 (Ann. A-10) applicant was informed that CMD, Northern Railway had passed the following order in his case.

He can be referred to Batra Hospital. If he wants to go on his own he has to go and then claim for consideration of competent authority.

3. Applicant interprets this communication to mean that the competent authority had acceded to his request and had sanctioned applicant's treatment at Apollo Hospital and thereupon sent a letter dated 26.11.96 (Ann. A-9) addressed to CMD, Northern Railway that he had been asked to get the By Pass Surgery done at any place other than Batra Hospital and he was therefore going in for the operation at Apollo Hospital in first week of December, 1996. Who advised him to get the By Pass Operation done at any place other than Batra Hospital was not specified. Thereupon applicant got himself admitted in the Apollo Hospital on 3.12.96 and was operated upon by By Pass Heart Surgery when he incurred a total expenditure of Rs.1,51,816.00.

4. In response to applicant's letter dated 26.11.96 he was informed by letter dated 99.12.96 ((Ann. A-11) to submit his application to Medical Director Central Hospital, Northern Railway for

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further necessary action. On 10.1.997 applicant submitted the bills amounting to Rs.1,51,816.00 to Medical Director who forwarded the same to Secretary, Railway Board by letter dated 28.2.97/4.3.97 recommending the same for sanction along with verbatim remarks of N. Railway HQ Finance that

'In view of recommendations of CMD, Finance agree to the proposal for submission of the case.... to Rly. Board for sanction of reimbursement of Rs.1 lakh in one time scheme for bypass surgery in Apollo Hospital in tune of Railway Board's letter dated 8/12.9.95'. but applicant is aggrieved that by impugned order dated 10.6.97 Railway Board have sanctioned only Rs.35,000/- without giving any reason and as his representation as well as Notice u/s 80 C.P.C. have not elucidated any reply, he has been compelled to file this O.A.

5. I have heard applicant's counsel Shri Mimroth and respondents' counsel Shri J. Kumar and perused the materials on record.

6. Shri Kumar has invited my attention to Railway Board's circular dated 8/12.9.95 (Ann. A-14) which provides that medical expenses incurred by retired employees under RELHS for heart surgery etc. in a recognised specialised hospital should be reimbursed upto a ceiling of Rs.1 lakhs.... provided such cases are referred to aforesaid hospitals with the approval of CMD on

(B)

the recommendation of Medical Director and specialist consultant of that particular discipline attached to the Zonal Hospital of the Railway concerned.

8. Clearly, therefore, before applicant was admitted for by pass heart surgery in Apollo Hospital he should have been recommended for the same by the Medical Director and specialist consultant, and the prior approval of the CMD should have been obtained. No recommendation of the Medical Director and Specialist Consultant before applicant was admitted to Apollo Hospital has been shown to me, and the prior approval of the CMD has also not been shown. In fact the order of CMD extracted in Para 2 above is no approval at all, let alone any prior approval. Further when applicant got himself operated in December, 1996, Apollo Hospital, New Delhi was not a recognised hospital and it was recognised for CABG of those Railway patients for whom facilities/treatment was not available elsewhere, initially for a period one year only by order dated 4.3.97 (Ann. A-12).

8. Applicant's counsel has relied upon AISLJ 1998 ((3) 56 AS Gill Vs. UOI & Ors. and 1993 (25) ATC 671 but the facts and circumstances of those cases are quite different and are therefore distinguishable from the present case.

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9. In the result the impugned order dated 10.6.97 warrants no interference and the O.A. is dismissed. No costs.

(GK)

Antoniglio
(S.R. Adige)
Vice Chairman (A)