

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A. No. 396/95

New Delhi, this the 24th Day of February, 1995

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Inder Singh Sahni,  
s/o Shri Hara Singh,  
R/o E-71, G.K. Enclave-I,  
New Delhi

Applicant

(By Shri C. Harishankar, Advocate)

Versus

Union of India through

1. The Secretary,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi - 110 001.
2. The General Manager,  
Northern Railway,  
Northern Railway Headquarters,  
Baroda House,  
New Delhi.

Respondents

(By : none)

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant is a retired personnel from Railways and retired as Signal Telecom Engineer on 28th February, 1989 from Delhi. In this Application the applicant claims medical re-imbursement after challenging the clause (6) of the Railway Board's letter dated 26.9.1986 whereby certain facilities are made available to the Retired Employees Liberalised Health Scheme. This clause (6) provides reimbursement to the extent of 50% medical treatment to the retired employee, his/her spouse and widowed mother in accordance with existing rules for serving employees in the case of permissible Govt. hospitals and medical officers obtaining prior

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approval of C.H.Q. or CHS/CMS incharge of zonal/divisional hospital. If these cases are not referred by the aforesaid prescribed authorities the entitlement of re-imbursement cannot be favourably considered. The applicant has challenged this clause showing it un-constitutional and is violative of Article 14 of the Constitution of India.

02. We heard the learned counsel for the applicant Shri C.Hari Shankar at considerable length. However, in view of the fact that applicant also argued the matter and pointed out certain urgency of the matter whereby the treatment of his wife was so emergent that the seeking of the approval of the authorities mentioned therein would have been futile in giving treatment to the wife for her survival. We therefore, do not give any opinion on the vires of clause (6) of the Railway Board's letter dated 28.9.1986 but we do feel that the respondents should not sit there for a long time on the representations preferred by the applicant on 17th March, 1994 when one year is likely to elapse, and decide it in either way keeping in view the instructions 1986 referred to Scheme.

03. We therefore, dispose of this Application at this stage that the applicant shall make a fresh representation giving the details of the eventualities which prevailed upon him for getting immediate succour from Heart Institute before getting approval from the prescribed authorities and the respondents to consider the same and give reply to the applicant by a speaking order preferably within a period of 3 months from the date of receipt of the representation. If the applicant is still aggrieved by the order so passed by the respondents on

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his representation. He may act accordingly and if so advised, can assail the grievance according to law. No costs.



(B.K.SINGH)

MEMBER(A)



(J.P.SHARMA)

MEMBER(B)

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