

Central Administrative Tribunal
Principal Bench

O.A.No.1569/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 22nd day of January, 1998

Sh.Inder Singh Sahni
S/o.Late Hara Singh
R/o.E-71, G.K. Enclave-I
New Delhi.

APPLICANT

(By Sh.A.K. Trivedi, Advocate)

Versus

Union of India

1. The Secretary
Ministry of Railways
Rail Bhawan,
New Delhi.

2. The General Manager
Northern Railways
NR Headquarters,
Baroda House,
New Delhi.

RESPONDENTS

(By Sh.Yogesh Sharma, proxy for Ms.B.Sunita.Rao, Advocate)

O R D E R (Oral)

The applicant's grievance is that the respondents have failed to reimburse the bill of Escorts Heart Foundation amounting to Rs.1,59,000/- incurred on the treatment of her wife.

2. The applicant is a retired Railway Government Servant and is a member of the Railway Employees Liberalised Health Scheme. On 13.3.94 his wife suffered a severe heart attack and as her condition was deteriorating she was taken directly to the Escorts Heart Institute, New Delhi, there being no time to consult the Railway Hospital. In the Escorts Institute, she had to undergo three emergency operations. Finally, on her discharge, the said Institute charged Rs.1,59,000/- for the treatment of applicant's wife. He submitted the claim for re-imbursement to the respondents, but the same was rejected. The applicant thereafter filed an OA No.396/95 before this Tribunal, which was disposed of with the direction that in case representation was filed by the

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applicant the same will be considered and decided by the respondents within three months. As a result, the respondents have sanctioned a sum of Rs.53,570/-. The case of applicant is that as per instructions issued by the Railway Board dated 12.9.95 Annexure-A, as beneficiaries of the Railway Health Scheme, the pensioners are entitled to the re-imbursement upto Rs.1 lakh. The applicant has, therefore, come before the Tribunal with the prayer that the respondents to directed to re-imburse to him the remaining amount of Rs.46,430/-, along with interest at 18 per cent.

3. I have heard the counsel. Learned proxy counsel for the applicant relies on the Judgement of Punjab and Haryana High Court C.W.P. No.10727 of 1996 reported in ATJ 1981 Page-55, in which full re-imbursement was allowed when the employee of the Punjab Government had obtained medical treatment in Batra Hospital in New Delhi. The learned counsel for the applicant also cited the decision of Supreme Court Surjit Singh Vs. AIR 1996 SC 1388 and the case of Sh.R.S. Sharma VS. UOI. ATJ 1997(2)P.205.

4. I have considered the matter. The orders of the Railway Board at Annexure-1 are applicable only in respect of cases where there is a referal to the recognised hospitals. The respondents say that Escorts Heart Institute was not recognised by the Railways as one such Hospital. The orders at Annexure-A1 were also issued on 12.9.95, while the case of applicant is of 1994. I do not, therefore, consider that the applicant can have the benefit of this order of the Railway Board. However, it appear from Annexure-E page-16 that the Chief Medical Officer at Headquarter of Northern Railways had, after examining the case in the context of Tribunal's order in OA No.396/95 recommended the re-imbursement of Rs.72,000/-. Even ^{this} amount was not allowed to applicant without giving any reasons. I therefore, direct that

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the respondents should re-imburse to the applicant the amount of Rs.72,000/- proposed by the Northern Railways. Since a sum of Rs.53,540/- has already been re-imbursed, the remaining amount should be re-imbursed within one month of receipt of a copy of this order. No costs.

~~R. K. Ahuja~~
(R. K. AHOOJA)
MEMBER(A)

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