

(13)

Central Administrative Tribunal
Principal Bench

O.A.No.558/97

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

New Delhi, this the 10th day of December, 1997

Ghanshyam Chowkidar
FV5/F Division
CPWD, New Delhi - 8
r/o 27 Tamur Nagar
New Delhi - 110 065.

... Applicant

(By Shri Ashish Kalia, Advocate)

Vs.

Union of India through

(i) The Chief Engineer
NDZ (1) CPWD, IP Bhawan
New Delhi - 110 002.

(ii) The Executive Engineer
F Division, CPWD
New Delhi.

... Respondents

(By Shri S. Mohd. Arif, Advocate)

O R D E R (Oral)

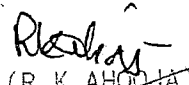
The applicant's father was admitted for treatment in the Central Institute of Orthopaedic, Safdarjung Hospital on 8.2.1995. The applicant, being a Chowkidar, had obtained an advance of Rs.10,560/- for his father's treatment. The applicant's father was discharged from the said Hospital on 20.5.1995. The applicant had applied for the reimbursement of his medical claim of Rs.18,932/-, after deducting the advance amount, on 19.10.1995, i.e., nearly five months after the discharge of his father from the said hospital. The claim was however rejected by the respondents on the ground that it had not been filed within the prescribed period laid down in the guidelines under Central Services (Medical Attendance) Rules, 1944. According to the said rules, such claims had to be submitted within three months from the date of completion of treatment of the patient.

On

2. I have heard the counsel on either side. The learned counsel for the applicant has pointed out that the last claim, Annexure A7, for a sum of Rs.2,670/- had only been endorsed by the hospital authorities on 19.9.1995. Even though as Shri S.Mohd. Arif, learned counsel for the respondents points out the date of the payment of the Bill is 19.4.1995, obviously the applicant could not have submitted the reimbursement claim unless it was properly endorsed, under the Rules, by the hospital authorities. Moreover, the treatment had been obtained from a Govt. Hospital. Once the Bills have been properly endorsed by the competent medical authorities, the eligibility of the applicant to obtain the reimbursement is established. Even otherwise the period of limitation has to run from the date of last endorsement made by the competent authority. There is no allegation here whatsoever that there was any delay on the part of the applicant in obtaining the necessary endorsement from the hospital authorities. In these circumstances, even if any relaxation was required, one would have expected, the respondents to obtain the same as the applicant is a Class-IV employee and had obtained his father's treatment from the Govt. hospital.

3. In view of the above, I, allow the OA. The respondents will consider for sanction the claim of the applicant within one month from the date of receipt of a copy of this order.

OA is disposed of as above. No costs.


(R.K. AHUJA)
MEMBER(A)

/rao/