



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A.N0.060/00066/2019

Order pronounced on: 15.02.2021
(Order reserved on: 08.02.2021)

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Parvinder Singh son of Shri Bawa Singh,

resident of Ward No. 8, village Mann Kaur Singh,

Pandori Road, Gurdaspur,

Tehsil and District Gurdaspur, aged bout 64 years (Group A).

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Applicant

(BY ADVOCATE: MR. L.S. LAKHANPAL)

VERSUS

1. Union of India through General Manager, Northern Railway
Baroda House, new Delhi-110001.
2. Chief Medical Director, Baroda House, northern Railway, new
Delhi-110001.
3. Chief Medical Superintendent, Division Hospital Northern
Railway, Ferozepur Cantt. Tehsil and District Ferozepur-152001.
4. Chief Medical Officer, Northern Railway, Divisional Railway
hospital, Ferozepur, Punjab.

Respondents

(BY ADVOCATE: MR. SANJAY GOYAL)



ORDER
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. The present Original Application has been filed by the applicant Parvinder Singh seeking quashing of the order dated 26.9.2016 (Annexure A-6) whereby appeal preferred by him was dismissed and order dated 27.4.2016 (Annexure A-4) vide which his claim for medical reimbursement to the tune of Rs.86,092/- has been rejected. The applicant has also sought reimbursement of this amount with interest @ 12% per annum.
2. The applicant has retired as Divisional Personnel Officer from the Railways on attaining the age of superannuation on 28.2.2014. He is member of Railway Employees Liberalized Health Scheme (RELHS). He was issued Medical Card No.001346 dated 28.2.2014. In February 2013, the applicant suffered from Gastro-Ulcer (malignant) and under-went treatment in Satguru Partap Singh Hospital (Apollo Hospital) Ludhiana. He was admitted on 2.2.2013 and was operated on 4.2.2013. It was followed by chemotherapy in eight cycles. He was discharged from Hospital on 16.2.2013, as per Discharge Summary (Annexure A-1).
3. The applicant further submits that he was again admitted on 17.9.2015 in nearby Arora Hospital, Gurdaspur and was discharged on 19.9.2015. The applicant was reimbursed a sum of Rs.17,868/- for this treatment. Due to profuse bleeding from mouth, the applicant was rushed to Arora Hospital, Gurdaspur. The Hospital advised him to report



at Satguru Partap Singh Hospital, Ludhiana (Apollo Hospital). As such, his family shifted the applicant in emergency in ambulance with one doctor and one attendant to Apollo Hospital where he remained in ICU from 19.9.2015 to 24.9.2015. He spent a sum of Rs.86,092/- on this treatment.

4. The applicant states that he preferred medical bill for Rs.86,092/- to the respondents. However, it was rejected on 27.4.2016 (Annexure A-4) on the ground that there was no emergency and that he should have reported to his AMO, Pathankot for treatment and that he was admitted in a private non-recognized hospital. Against this order, the applicant submitted an appeal dated 14.5.2016 (Annexure A-5) which was also rejected vide order dated 26.9.2016 (Annexure A-6).

5. The case of the applicant in short is that once he has been reimbursed a sum of Rs.17,868/- for treatment taken by him in Arora Hospital, Gurdaspur, which is also a private non-recognized hospital then there is no reason to reject reimbursement of amount of Rs.86,092/- spent by him in Apollo Hospital due to emergency.

6. The respondents have contested the claim of the applicant. They have stated that the case for medical reimbursement is accepted only in case when any rail employee or retired employee is treated by private-hospital/recognized private-hospital/govt. hospital in a situation when he has no opportunity to approach nearby railway hospital and when the medical treatment is very necessary in order to save the life of the patient. For example road side accident, heart attack etc.



7. The respondents have further stated that the claim of the applicant was thoroughly gone through. The applicant was suffering from haemoptysis which could be due to pulmonary tuberculosis. For this, he was admitted on 17.9.2015 in Arora Hospital at Gurdaspur. He was discharged on 19.9.2015. The applicant should have reported to his AMO at Pathankot for arranging treatment so that he could have been referred to any Government Hospital for management of Pulmonary Tuberculosis or to any recognized private hospital at Jalandhar. But he by-passed Railway Health System and travelled all the way 200 kms away from Gurdaspur to Ludhiana to take treatment in a private non-recognized hospital on 19.9.2015 without there being any emergency. The respondents have also stated that the applicant is himself a retired officer of personnel department and is well aware that in such circumstances, Railway Medical Officer should be informed in case of any emergency.

8. The respondents have further submitted that case of the applicant was examined by a Committee of three doctors in view of Railway Board's Circular dated 31.1.2007, who have reported that at the time of the admission of the applicant, his body temperature was 98.8 degree fahrenheit, pulse 78/min, blood pressure 100/70 mm of hg and all other vitals were also stable. Thus, it was concluded that it was not a case of emergency.

9. In this connection they have also submitted that emergency treatment once taken by him was reimbursed as a case of emergency. Once he was discharged from the Hospital,



the emergency period was over and he should have reported to authorised medical officer locally or to DH/FZR if he 'required any further treatment along with details of doctor's advice, if any'. Instead, he travelled 200 kms to get treatment in another private hospital in other city without any information to railway medical authorities which goes to prove that the condition of the patient was not of such emergency as is being claimed. It is also very clear that no emergency was established as per diagnosis from Apollo Hospital, Ludhiana where the vitals were all normal at the time of admission. Also, they have contended that pulmonary tuberculosis is a chronic disease and not of acute onset as has been depicted by the applicant. The appeal of the applicant was examined and rejected by passing a speaking order. There is no element of bias or mental harassment.

10. The respondents have further averred that the O.A. is barred by limitation. The claim is of the period 19.9.2015 to 24.9.2015. The same was rejected in April 2016 and even the appeal was rejected in September 2016. But, the O.A. has been filed only on 24.1.2019 – that is over 2 years after rejection of appeal. And hence, the O.A is barred by limitation under Section 21 of Administrative Tribunal Act, 1985. Also, even repeated representation cannot extend the limitation period given under the Act.

11. The respondents have finally concluded that in view of all above, the O.A. has no merit and the applicant does not deserve the relief sought in the O.A.



12. I have heard the learned counsel for the applicant and the learned counsel of respondents and have carefully gone through the pleadings on record. I have also given my thoughtful consideration to the entire matter.

13. First of all, I observe that the period of claim is of 2015. The order of rejection is of April 2016 and even the appeal has been rejected in September 2016. However, the O.A. has been filed only in January 2019 – that is more than 2 years after the cause of action arose. This is well beyond the time period upto which an O.A. can be admitted by this Tribunal under Section 21 of the Administrative Tribunals Act, 1985.

14. The applicant has filed an M.A.No.060/162/2019 for condonation of delay of 570 days in filing the O.A. The only reason mentioned by the applicant is that he 'met various times personally to the concerned officials for redressal of his grievance' and finally 'sent a legal notice dated 19.4.2018' and that he is still under treatment. He has no other source of income except pension. These are no grounds - much less convincing ones to condone the delay in filing the O.A. The M.A. and the O.A., therefore, deserve to be dismissed on this ground alone. However, in the interest of justice, I have considered the case on merit as well.

15. The facts of the case are not in dispute. It is pleaded in the O.A. that the applicant was taken to a private Hospital in case of emergency. To prove this, reliance is placed upon Discharge Certificate/Medical Bill dated 25.9.2015 (Annexure A-8). In this certificate, the concerned Hospital has raised bill



including under Sr.No.41 for 'Bed Charges". Under this head, the charges for General Ward are Rs.6,600/-, for HDU Rs.5,600/- and for Medical ICU Rs.3,875/-. Thus, it is pleaded that it was a case of emergency. However, I observe that the particulars mentioned in this Bill do not indicate from any angle that it was a case of emergency more particularly in view of the report of the Committee of doctors constituted by the Railways which has clearly opined on the basis of temperature, pulse rate, BP and other vitals of the applicant that it was not a case of emergency.

16. It is also seen that the applicant travelled 200 kms away from Gurdaspur all the way to Ludhiana to take treatment in a private non-recognized hospital on 19.9.2015 for pulmonary tuberculosis with haemoptysis. The proper course for him was to report to AMO at Pathankot to arrange for his treatment so that he could have been referred to any of the Government Hospital or any of the recognized private hospitals at Jalandhar for management of indicated disease. Also, considering that the applicant himself is a retired officer of personnel department, he is well aware of this requirement. Thus, this court does not find any illegality in the impugned orders passed by the respondents.

17. It is also observed that this Tribunal is not an expert body to sit in appeal over the opinion formed by the medical authorities. Once the doctors have examined the case and have opined that it was not a case of emergency at all, this Tribunal cannot sit in appeal over such a decision. Thus, the O.A. has no merit at all.



18. In view of the above, I find that applicant does not deserve the relief sought for by him in the O.A. The O.A. is, therefore, dismissed being devoid of merits as well as being barred by limitation.

19. M.A Nos.060/261/21 and 060/262/21 also stand disposed off.

21. There shall be no order as to costs.

**(AJANTA DAYALAN)
MEMBER (A)**

Place: Chandigarh
Dated: 15.02.2021

HC*