

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH
AT HYDERABAD

OA/021/00472/2020



HYDERABAD, this the 26th day of August, 2020.

THE HON'BLE MR.ASHISH KALIA : JUDICIAL MEMBER

THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

B.P.Mamdelu S/o B.Paramanand,
Gr 'C ', Aged about 74 years,
Occ : Retd Tradesman H (T-4), NFC,
R/o 30-265-60/69, Parwati Nagar,
Sainikpuri, ECIL, Hyderabad-500 062.

...Applicant

(By Advocate : Mr. V. Venkateswara Rao)

Vs.

1. Union of India, rep. by the
Under the Secretary to Govt of India,
Ministry of Personnel, Public Grievances & Pension
(Dept of Personnel & Training), North Block,
Control Secretariat, New Delhi – 110 001.

2. The Chief Executive,
NFC Complex, Dept of Atomic Energy,
ECIL Post, Hyderabad – 500 062.

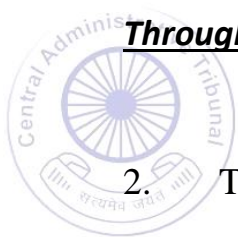
3. The Chief Administrative Officer,
NFC Complex, Dept of Atomic Energy,
ECIL Post, Hyderabad – 500 062.

4. The Asst Personnel Officer,
NFC Complex, Dept of Atomic Energy,
ECIL Post, Hyderabad – 500 062.

....Respondents

(By Advocate : Mr.V.Vinod Kumar, Sr.CGSC)

Oral Order
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)



Through Video Conferencing

2. The OA is filed in regard to reimbursement of medical expenses incurred by the applicant towards the treatment of his wife.

3. Brief facts of the case are that the applicant, aged 74 years, retired on 31.07.2006 from the respondents' organisation. His wife, aged 65 years, had to be hospitalised for a kidney related issue. After attempting admission in different hospitals she was finally admitted in Tulasi Hospital where she was treated and discharged. Thereafter, applicant made a claim for Rs.3,30,538/- on 09.11.2019, which was rejected by the competent authority on technical grounds. Aggrieved, OA is filed.

4. The contentions of the applicant are that denial of medical reimbursement would amount to deprivation of life attracting Article 21 of the Constitution of India. The rejection of the medical bill is against the series of judgments of superior judicial fora cited in the OA. Applicant had to admit his wife in an emergency in a hospital which was not empanelled due to lack of beds in the empanelled hospital. This fact was ignored by the respondents in rejecting the medical bill. The claim is within the parameters prescribed under the

Contributory Health Service Scheme of NFC. Rates charged by the M/s. Tulasi Hospitals are within the limits prescribed in the Central Government Health Scheme of Government of India.



5. Heard both the counsel and perused the material on record.

6. This is a case where the applicant had to admit his wife in emergency circumstances in a hospital which was not empanelled. The claim made by the applicant was rejected by the respondents on technical grounds. The applicant cited a series of judgments of the superior judicial fora which are in his favour. Learned counsel for the applicant submitted that the applicant be permitted to submit a comprehensive representation to the respondents for examining his request for passing the bill afresh in view of the latest rules and law cited in the OA.

7. Considering the above facts and circumstances, we are of the view that the request of the learned counsel for the applicant is innocuous and fair. We, therefore, permit the applicant to make a fresh representation based on rules and law to the respondents, within a period of two weeks from the date of receipt of this order. The respondents on receipt of the said representation, shall dispose of the same, within 6 weeks in accordance with rules and law as well as keeping in view the contentions/ grounds raised by the applicant in the OA.

With the above directions, the OA is disposed of, at the admission stage,
without going into the merits. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

VI/evr