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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

DA No.1301/2004

New Delhi this the 26th day of May, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

Harpran Singh Puri,
S/O Late Shri Diwan Singh Puri,
B-2/96 Paschim Vihar,
New Delhi.

..Applicant

(By Advocate Shri B.S.Oberoi)

VERSUS

1. Director General
E.S.I. Corporation,
Kotla Road, New Delhi
2. The Director (Medical),
ESI Hospital Complex,
Basaidarapur, Outer Ring
Road, New Delhi-15

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. At the very outset, he has submitted that the respondents have refused to grant relaxation to the applicant who had approached them seeking reimbursement of medical expenses which he had incurred on the treatment of his heart ailment by undergoing heart surgery in Escorts Heart Institute and Research Centre (EHIRC) under CGHS Scheme for which he could not obtain prior reference from the concerned authority under the ESI Scheme. In the reply given of the respondents vide their letter dated 22.10.2002 they have said, among other things, that such relaxation cannot be given again and again. However, they have not made reference to any relevant rules and instructions for having taken this position.



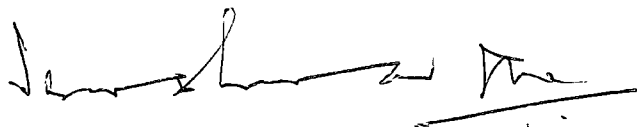
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3. Learned counsel for the applicant has submitted that there is no provision whereby such relaxation cannot be given to him. Elaborating his position, he has submitted that he fell sick and needed immediate treatment as in emergency and he could not have obtained permission or reference at that time from the competent authority.

4. Reference has been made to the decision of this Tribunal in OA 967/1996 as passed on 1.12.1998 in which similar matter was discussed and decided with certain directions to the respondents. It would be relevant for the respondents to refer to what has been discussed in the said decision and also the directions given therein.

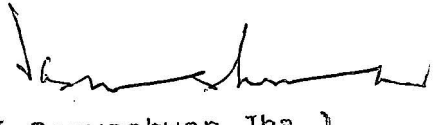
5. It is further observed that the applicant has approached the other bodies/authorities seeking relief in the matter, a copy of a reference having been made by the ESIC Pensioners Welfare Association dated 16.9.2003 is placed at Annexure A-17. It would be relevant for the respondents to go through the various aspects of the matter as have been given by the applicant in his Original Application and also what have been discussed in the OA as referred to hereinabove in order to give a fresh consideration to the case of the applicant and to take a proper view in the matter.

6. Having regard to the facts and circumstances of the case and particularly the fact that the matter relates to the prayer of the applicant seeking relaxation of the requirement of prior reference from the authorised



medical attendant, in this case the ESIC and further that the applicant had been granted relaxation earlier in similar emergencies on two occasions and also appreciating the fact that it would not serve any purpose if the matter is allowed to hang before the Tribunal, I am of the considered opinion that the ends of justice will be met if this OA is disposed of at this stage with a direction to the respondents to give a fresh consideration to the matter with reference to the views expressed by the Tribunal in the OA as referred to hereinabove and also keeping in view the facts as submitted by the applicant in this OA, treating the same as a representation of the applicant. Respondents would do well if they dispose of the matter within a period of three months from the date of receipt of a copy of this order.

7. With this, the OA stands disposed of.


(Sarveshwar Jha)
Member (A)

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