

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2641 OF 1993

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New Delhi the ^{10th} the Day of December, 1994

Hon'ble Mr. S.R. Adige, Member(A)

Shri P.K. Kumaran
Director General,
Defence Estates
Ministry of Defence
R.K. Puram
New Delhi-110 066

.....Applicant

(By Advocate: Shri R.P. Oberoi)

Versus

Union of India through five of
its functionaries

....Respondents

(By Advocate: Mrs R.K. Chopra)

J U D G E M E N T

Hon'ble Mr. S.R. ADIGE, MEMBER(A)

1. I have heard Shri R.P. Oberoi for applicant and Smt. R.K. Chopra for respondents.

2. The only surviving grievance of the applicant appears to be non-reimbursement of the claim of Rs. 9,500 on account of angiography done on 27.11.1992 preceding and concomitant to a by-pass heart surgery performed upon him on that date.

3. According to the applicant, he underwent a by-pass heart surgery on 27.11.1992 which was preceded by an angiography. The private hospital where the operation was performed, billed him a total sum of Rs. 1,05,000/- as a package deal, which included Rs. 9,500 for the angiography, as against which the applicant claimed reimbursement of Rs. 74,500/- including Rs. 9,500 for the angiography, of which the respondents have reimbursed the applicant to the tune of Rs. 65,000/-, excluding Rs. 9,500/- paid by him for the angiography. The respondents averred that in the absence

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of evidence furnished by the applicant that

(i) the private hospital where the heart by-pass surgery was performed, had actually conducted an angiography on 27.11.1992 and,

(ii) the applicant had paid that hospital this sum of money for the angiography,

it is difficult to reimburse the applicant for the sum of Rs. 9,500/- incurred by him for the angiography.

4. This OA is, therefore, disposed of with the following directions:-

(i) if the applicant obtains a certificate from the private hospital where the heart by-pass surgery was performed on 27.11.92 that (a) they had actually performed angiography on the applicant just preceding and concomitant to the by-pass heart operation conducted on 27.11.92 which was essential for the conduct of the operation and (b) the applicant had actually paid a sum of Rs. 9,500/- to the hospital authorities for the angiography; the applicant may file a representation to Respondent No.2 The Director General of Health Services.

(ii) Upon receipt of the representation supported by the above mentioned certificate, the respondent No.2 will consider the same and arrange to reimburse the applicant for the angiography expenditure incurred by him, to the extent admissible, after that fully satisfying himself ~~at~~ such a reimbursement in full or in part, is fully in accordance with the extant rules and instructions on the subject, and further satisfying himself that this sum of Rs. 9,500/- is not covered by the Rs. 65,000/- already reimbursed to the applicant;

(iii) If the respondent No.2, after considering the matter, holds that reimbursement of this Rs. 9,500/- is not admissible to the applicant in full or in part, he will record reasons for the same under intimation to the applicant;

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(iv) These directions should be implemented within 3 months
from the date of receipt of a copy of this judgement.

5. If any grievance still survives thereafter, it will be open to the
applicant to agitate the matter afresh, in accordance with law, after
exhausting departmental remedies available to him, if so advised.

6. No costs.

7. This OA is disposed in terms of the directions given above.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)