



**Central Administrative Tribunal
Jammu Bench, Jammu**

**T.A. No.8799/2020
(SWP No.1594/2007)**

This the 15th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ravi Raman Raina, aged 45 years
S/o Sh. J.L. Raina
R/o 21/1-A, Anuradhapuram
Barnai, Jammu.

...Applicant

(Mr. M.K. Raina, Advocate)

VERSUS

1. State of Jammu & Kashmir through Financial Commissioner, Agriculture Production Department Civil Secretariat, Srinagar.
2. Director, Agriculture Department Jammu
3. Chief Agriculture Officer, Jammu.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Junior Agriculture Assistant in the Akhnoor Sub Division of Agriculture Department, in the year 2004. He is said to have sustained a head injury in a road accident and was treated in the Govt. Medical College Hospital, Jammu, in ICU. It is stated



that when his condition was deteriorating, he was shifted to Indraprastha Apollo Hospital, Delhi for specialized treatment between 10th June to 30th June, 2004. The applicant submitted a claim for reimbursement of Rs.5,51,000/-. When no order of sanction was passed on the bill, he filed SWP No.1000/2007 before the Hon'ble High Court of Jammu & Kashmir. That was disposed of by the Hon'ble High Court, with a direction to the respondents to pass orders on the bill of the applicant. In compliance with the same, the Directorate of Agriculture, Jammu passed an order dated 28.07.2007. It was mentioned that the applicant got the treatment at Indraprastha Apollo Hospital, Delhi on his own accord and there was no reference by the local hospital. It is stated that the reimbursement can be only for the treatment in a hospital within the State and that the facts of the case do not warrant, granting of any exemption.

2. The applicant filed SWP No. 1594/2007 before the Hon'ble High Court, challenging the order dated 28.07.2007. He contends that he underwent treatment in the Govt. Medical College Hospital, Jammu with the hope that he would recover and he was shifted to Indraprastha Apollo Hospital, Delhi, only when his condition deteriorated.



He contends that it is a fit case for grant of exemption for reimbursement of medical expenses.

3. The respondents filed a counter affidavit opposing the SWP. It is stated that the applicant did not submit any record of treatment, much less the discharge slip. They contend that the applicant was provided the best possible treatment in the Govt. Medical College Hospital, Jammu by a team of Neuro Surgeons and he was discharged from the Hospital at his own request. It is stated that he did not submit any record, indicating emergency, much less of referral.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 8799/2020.

5. Today, we heard Mr. M.K. Raina, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

6. The respondents do not dispute their obligation to reimburse the medical expenses incurred by an employee. However, there are certain norms to be followed in this behalf. Normally, the reimbursement is only where the treatment has taken place in a hospital within the State of Jammu & Kashmir. In case, it has taken place in a hospital



outside the State of Jammu & Kashmir, it needs exemption, which naturally would depend upon the verification of relevant facts. In the instant case, the respondents have stated that there was no reference from the Govt. hospital, Jammu to any private hospital, and that the discharge of the applicant was at his own request. Therefore, we are not inclined to set aside the impugned order. At the same time, if the applicant is able to access the reference by any specialist of a private hospital, duly indicating the reasons or any discharge slip, that enabled him to admit in Indraprastha Apollo Hospital, he can enclose the same with a fresh claim. The same can be considered and orders be passed, by the respondents.

7. We, therefore, dispose of the T.A., declining to interfere with the impugned order, but directing that in case the applicant submits a fresh claim, enclosing the relevant documents, the respondents shall consider the same, in accordance with law, and pass appropriate orders within a period of two months thereafter.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/jyoti/vandana/ankit/