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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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Registration (O.A.) No.706 of 1986

Kamlakar Chaubey ..... Applicant.

Versus

Union of India & another..... Respondents.

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Hon'ble Ajay Johri, A.M.

This is an application filed under Section 19 of the Administrative Tribunals Act XIII of 1985. The applicant is a Postal Assistant working under Sr. Superintendent of Post Offices (SSPO), Varanasi at Moghalsarai. Certain members of his family were taken ill and according to him the applicant and two of the family members developed Tuberculosis (T.B.) and had to be treated by the Government Specialist at T.B. Hospital, Varanasi on the reference from his authorised Medical Attendant at Moghalsarai. The applicant represented for his posting at Varanasi, but some how this could not materialise. When he submitted his medical bills for reimbursement to SSPO, Varanasi for treatment of the members of his family, during 1973, 74, 75 and 76, his bills were rejected without assigning any reason. When he represented again he was told in August, 1978 that the Medical Officer-in-Charge, Moghalsarai Hospital was not authorised Medical Officer for Central Government employees and, therefore, the bills certified by him and treatment given by him could not be re-imbursed. On his representation to the Post Master General (PMG) the Director, Postal Services,

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ordered on 17.4.1982 that all the bills should be reviewed and payments made. These bills were reviewed by the SSPO, but only three bills were paid and others amounting to Rs.13,011.74 P. were withheld. The applicant, therefore, has prayed that the respondents be ordered to re-imburse this amount to the applicant as this was expenditure incurred by him on the treatment of his family.

2. The respondents' case is that the applicant, who is posted at Varanasi, claimed heavy amount of re-imbusement of medical expenses for the treatment of the members of his family through out the year. The members were never hospitalised and reimbursement was claimed on the basis of treatment in Out-door Patient Department (OPD). He was, on account of an administrative instruction on the subject of officials claiming heavy medical bills, transferred to Lucknow and was again repatriated to Varanasi Postal Division when he assured that he will not claim medical reimbursement in excess of the monthly normal limit of Rs.500/-. He was, at this time, posted to Varanasi and later on to Moghalsarai. He continued to submit medical bills from OPD including treatment of T.B. and other diseases of almost all the members of his family. His bills were, therefore, thoroughly scrutinised and those, whose genuineness ~~WERE~~ could not be confirmed, were rejected and the applicant was informed of the same in August and October, 1978. According to the respondents during the course of verification of these bills it was revealed that the residential address of Moghalsarai was false. This fact was also brought to the notice of the applicant in March, 1979 and he did not refute the allegations of the

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residential address being false. When the applicant represented to PMG, he directed a review of the medical bills in the light of the instructions dated 9.4.1965. These bills were accordingly reviewed and three bills were sanctioned in May, 1982. The applicant further represented to the Director, Postal Services, and he was advised in April, 1983 that the bills have been duly reviewed and the review has been found justified. According to the respondents the applicant was never interested in getting treatment of the members of his family in the T.B. Hospital or any Government Dispensary, although he was specifically advised by the letter dated 30.5.79 to get the patients admitted in T.B. Sanitorium, Bhowali, Nainital. He did not even reply to the information sought in regard to the details of the family members, so that necessary beds could be reserved in the Sanitorium. The bills, which were not sanctioned, were on account of the applicant showing false residential address at Moghalsarai, which was in contravention of Note 4 below Rule 2 of the Medical Attendance Rules, 1944, and the family members were not found residing at Moghalsarai and according to the respondents the doctor at Moghalsarai could not be recognised as Medical Attendant for family members. The applicant sent a representation again to the SSPO, Varanasi in April, 1985, after a gap of more than two years after he had been given a final reply in March, 1983. The time made for such appeal is 45 days under Rule 6(2) of the Medical Attendance Rules, 1944 & thus the appeal was belated. *38*

3. I have heard Sri S.P. Sinha for the applicant and Sri K.C. Sinha for the respondents. According to the learned counsel for the applicant the issues were

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in a narrow compass and what was to be determined was whether the family is entitled to be treated and for treatment the family should be with the employee <sup>or not</sup> I have carefully gone through the papers in the case file.

4. There is no dispute of the fact that the Medical Officer-in-Charge of the Municipal Board Hospital at Moghalsarai has been authorised to be the Medical Officer for Post and Telegraphs employees. In the initial stages the bills were rejected on the ground that he was not the Medical Officer for P & T employees. When this clarification was issued by PMG, the medical bills were ordered to be reviewed and after the sanction of the three bills and the rejection of the balance another communication was sent by PMG on 11.8.1982 asking for further review of the other bills, which had been rejected. Ultimately the applicant was advised by the respondents that his bills have been rejected because of his wrong residential address at Moghalsarai and because the doctor at Moghalsarai is not authorised Medical Attendant for the family of the applicant. As already mentioned above it had been clarified by the PMG's office that the Doctor-in-Charge of the Municipal Hospital at Moghalsarai, could be the authorised medical Attendant for P & T employees and, therefore, if he was the authorised Medical Attendant for the employees it would automatically mean that he was also the authorised medical Attendant for the family. I do not agree to the contention that if the family was not staying with the employee the Medical Officer, who was the authorised Medical Attendant, could not act as the Medical Attendant for the family too. There would be

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nothing wrong in the family members going to a local Government Doctor <sup>or a</sup> private Medical Practitioner, if the rules permits, at a distant place away from the employee's station of posting, if they fall ill there. But what would be necessary is that the reimbursements claimed are certified by the authorised Medical Attendant and if the Medical Officer-in-Charge of the Municipal Hospital at Moghalsarai certified the bills such bills cannot be rejected on the ground that the Medical Officer was not the authorised Medical Attendant for the family. I, therefore, reject this plea taken by the respondents in their reply. The bills cannot be rejected if they have been duly certified on the ground that this particular doctor was not authorised to treat the family members of the employee.

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5. From the reply to the application submitted by the respondents there is an indication that perhaps it is not under dispute that some of the family members of the employee suffered from T.B. Treatment for T.B., depending on the stage, is a prolonged treatment and a costly treatment and as long as the medicines have been prescribed by the Specialist to whom the authorised Medical Attendant referred the employee and the family members of the employee and the bills have been recommended for reimbursement it will not be correct for the executive to sit over a judgment passed by an authorised Medical Attendant. Of course, if they find that there has been collusion between the doctor and the patient and that the bills have been actually prepared to defraud the administration of the amount, which can only be proved by a through and proper enquiry, there could be <sup>or no</sup> ~~hardly any~~ other reason for rejection of the

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bills. PMG had ordered the further review of the rejected bills in August, 1982. This review had been done and the applicant was intimated finally in 1985 that the bills could not be paid as they have been rejected.

6. The employee has to give his address at the place of his work but if he chooses to give an address which is not correct, he cannot turn back and say that the surname of the house owner where he was living did not tally, as given by him, because Tewari, Pandey or Shukla makes little difference. This is not a correct approach and such a <sup>vague and incorrect</sup> information about the residential address, which he is required to give, casts doubts about the genuineness of the claims made by the applicant. However, since the rejection of the bills has been made on the point that the address was wrong and that the doctor was not authorised Medical Attendant for the family, the grounds taken by the respondents for rejecting the bills cannot be considered convincing. The point which had to be determined was whether the applicant was posted at Moghalsarai and whether the doctor at Moghalsarai had attended to the applicant and his family members and had genuinely certified the requirements <sup>and</sup> consumption of medicines by the applicant and his family members.

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7. On the above considerations I direct that the respondents will review the outstanding bills, the details of which have not been given by the applicant, but which have been rejected by the respondents, as admitted by them, keeping in view the above observations and unless they find any attempt for defrauding of the administration the bills will not be liable to be

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rejected on these grounds of <sup>of residence</sup> responsibility of the family members or that the doctor was not the authorised Medical Attendant. <sup>38 for tem</sup> After scrutiny the amount due should be released for payment to the applicant within two months from the date of receipt of this order.

8. The application is disposed of accordingly without any order as to costs.

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Member (A).

Dated: December 7<sup>th</sup>, 1987.

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