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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

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ORIGINAL APPLICATION NO.289 of 1987

Beni Prasad ..... Applicant.

Versus

Union of India & others ..... Respondents.

Hon'ble D.S.Misra-AM

Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985. The applicant is a retired Welfare Officer of the office of Post Master General, Lucknow and is a beneficiary of P&T Dispensary at Agra under Identity Card No.R.145. The grievance of the applicant is that in the year 1979-80, in his capacity as the Welfare Officer under the Post Master General, U.P., Lucknow (respondent no.3), <sup>he</sup> <sub>he</sub> went to Allahabad to conduct inquiry into the complaint about the functioning of the three dispensaries of C.G.H.S., Allahabad; that the Chief Medical Officer, C.G.H.S. Dispensaries Allahabad did not allow him to conduct the inquiry; that the wife of the applicant, on his retirement was getting treatment in the P&T dispensary at Agra; that Mrs. Nirmala Gupta, MBBS, Incharge Medical Officer, P&T Dispensary Agra (Rspdt.4) did not attend <sup>on her</sup> properly and her treatment continued for a long time without a second medical opinion; that the applicant got her examined in S.N. Hospital Agra and the clinical examination diagnosed her as a case of Cancer at 1st stage and his wife died in

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July, 1985. The applicant has alleged that the Union of India had failed to employ highly skilled <sup>medical</sup> officers for treatment and cure of serious diseases like Cancer and this has resulted in the death of his wife due to negligence by respondent no.4 not referring his wife for second medical opinion at proper time; that large number of highly skilled Medical Officers are available and working in the dispensaries run by the Government, such as Delhi Administration, but the P&T Dispensaries are not provided with expert and competent Medical Officers; that the medicines supplied by respondent no.4 are also adulterated and useless; that the Union of India, Medical Stores Department Calcutta has also failed to supply the life-saving medicines to respondent no.4; that the P&T Medical Dispensaries are run without adequate medical and para-medical staff and adequate supply of medicines; that the applicant has been contributing money as a pensioner for receiving medical aid from P&T Dispensary Agra but he is not being provided with required facilities. The applicant has prayed that the instruction, contained in the communication dated 2.1.1977 of Director Medical in the office of D.G., P&T, New Delhi enumerating scope and terms and conditions of the extension of medical facility to retired P & T employees be declared illegal and void and there should be no charge for hospitalization, X-ray, ECG and other laboratories charges to the retired employees as is admissible to workers; that the charges, contribution already paid by the applicant to the department be refunded. The applicant has also requested to assess compensation for the loss of life of the applicant's

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wife due to negligence of duty of respondent no.4 and the amount be paid to the applicant.

2. This application was received by Dak in the Principal Bench of the Tribunal from where it was transferred to this tribunal. A notice was issued to the applicant informing him about the date of hearing in this case and in-reply the applicant requested that he may be exempted from personal attendance and that his application should be considered on its own merit.

3. We have examined the facts and circumstances of this case and considered the request made in this application. The applicant has admittedly joined the scheme of providing medical facilities to retired P & T employees on a voluntary basis and has been paying contribution for the same. The facility available to persons who chose, to avail of this facility, is given in the communication dated 2.1.1987 of Director Medical, D.G., P&T New Delhi (copy annexure-3). The applicant has himself filed a copy of this scheme, but he has failed to point out any departure or violation of the instructions contained in this communication. The applicant's allegation against respondent no.4 for the alleged lack of knowledge and negligence in treating his wife is not substantiated by any reliable evidence. The communication dated 2.1.1977 <sup>the</sup> (annexure-3) enumerates/medical facilities available to the pensioners and their dependents who take treatment from the P&T dispensaries. It clearly states that when the pensioners and/or their dependents take treatment from sources other than the P&T dispensary, whether at the place where they are registered or elsewhere, such treatment will be at the cost and risk of

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pensioners and the P&T dispensary would not in any case be liable for any expenditure incurred thereon. It also states that no reimbursement will be allowed. It further states that only out-door medical treatment as available in the P&T dispensary from time to time will be provided and there will be no provision for reimbursement of medical charges of any kind irrespective of whether such charges were incurred during out-door treatment on the advice of the Doctor or not. In view of the very clear provisions of the scheme, the grievance of the applicant appears to be misplaced. His grievance that the P&T dispensaries are not equipped with full facilities for treatment of serious diseases, like Cancer etc, may be correct, but the department, or the Union of India has no-where under-taken the responsibility of providing such facilities in such dispensaries. We are of the opinion that the grievances of the applicant are misplaced and his request in the application is not fit for adjudication by this Tribunal.

For the reasons mentioned-above, the application is dismissed at the admission stage.

*A.M.*  
22.7.87  
A.M.

*J.M.*  
22/7/87  
J.M.

JS/ 22.7.87