

Central Administrative Tribunal, Allahabad Bench,
Allahabad.

Dated: Allahabad, this the 24th day of March 2000.

Coram:

Hon'ble Mr. M.P. Singh, A.M.

Original Application No. 306 of 2000

V.K. Srivastava, aged about 44 years,

S/o Late Shri Raghubir Sahai,

R/o 137/97, Ram Bagh, Allahabad.

.....Petitioner

C/Applicant: Shri Rakesh Varma, Adv.

V E R S U S

1. Union of India through the
Secretary, Ministry of Personnel, Training
and Public Grievances,
North Block, New Delhi.
 2. The Hon'ble Chairman through the Registrar,
Central Administrative Tribunal, Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi.
 3. The Registrar,
Central Administrative Tribunal,
Allahabad Bench, Allahabad.
-Respondents.

C/ Respondents:

O R D E R (Open Court)

(By Hon'ble Mr. M.P. Singh, Member -A)

Applicant by filing this O.A. has sought direction to quash the
order dated 09/02/2000 issued by respondents No.3

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denying the financial assistance to visit Chennai and back for medical treatment. He has also sought direction to quash the memorandum dated 08.02.2000 passed by the respondent No.3 directing the petitioner to deposit the advance drawn by him against the travelling allowance and also direct respondent No.2 and 3 to reimburse all the medical expenses as admissible under the Rule.

The brief facts of the case are as follows:-

The applicant is working as U.D. C. in the Allahabad Bench of the Central Administrative Tribunal. According to him he is entitled to avail medical facilities alongwith his family members under the Central Government Health Scheme. In october, 1997 he received severe pain in his right eye. The applicant contacted the Chief Medical Officer, C.G.H.S. on 18th October, 1997 who referred him to the M.D.Eye Hospital, Allahabad as it required specific treatment. On 12.12.97 M.D.Eye Hospital, Allahabad referred the applicant to Sankara Netralaya, Chennai for further treatment of his eye. Therefore, the applicant sought permission from Authorised Medical Attendent i.e. Additional Director, C.G.H.S. to go to Sankara Netralaya, Chennai for treatment. He was permitted to go for medical treatment at Sanakara Netralaya, Chennai vide letter dated 30.12.97. Thereafter, he has been visiting Chennai regularly for medical treatment as advised by Authorised Medical Attendent and Chief Medical Officer. Till now all the expenses were being paid to him by the Government.

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The applicant was advised by Medical Authorities of Sankara Netralaya, Chennai on 19/7/99 to come again after six months for review. He had accordingly obtained permission from the Authorised Medical Attendent, C.G.H.S. to go to Sankara Netralaya, Chennai in the Month of January/ Feb-2000. He ^{with} ~~has~~ made an application on 24.1.2000 for grant of T.A. advance to get his berth reserved in the Railways. The application has been rejected and the decision has been conveyed to him on 02.02.2000. While rejecting the representation the respondents have opined that for simple operation of cataract, no specialised treatment is required and same can be performed in Allahabad. The applicant made a representation on 04.02.2000 to respondent No.2 who passed the impugned order dated 9.2.2000 permitting, the applicant to proceed to Chennai for treatment with the condition that no financial assistance shall be provided. Hence the applicant has filed this O. A.

Heard the learned counsel for the applicant at length. The relevant rules for grant of travelling allowance under the Central Service (Medical Attendance) Rules are as follows:-

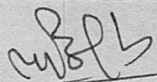
- 4(1) When the place at which a patient falls ill is more than five miles by the shortest route from the consulting room of the authorised medical attendant-
 - (a) the patient shall be entitled to travelling allowance for the journey to and from such consulting room.
- 5(1) If the authorised medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, he may,-
 - (a) Send the patient to the nearest specialist or other medical officer as provided in Clause (e) of Rule 2, by whom, in his opinion, medical attendance is required for the patient; or
 - (b) if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.
- 5(2) A patient sent under clause (a) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to travelling allowance for the journeys to and from the headquarters of the specialist or other medical officer.

According to proviso of Rules 6(2), if the controlling officer is not satisfied with its genuineness on facts and circumstances of ^{each} ~~the~~ case, he may reject the claim. While doing so, the controlling officer shall communicate to the claimant the reasons, in brief, for rejecting the claim and the claimant may submit an appeal before Central Government

within a period of forty-five days of the date of receipt of the order of rejecting the claim.

Learned counsel for the applicant states that an appeal has already been filed under the proviso to Rule 6(2) on 10.2.2000 and is still pending.

In view of the fact that the applicant has not exhausted all the remedies available to him under the rules, this O.A. is not admitted and is dismissed accordingly. There shall be no order as to costs.


Member(A)

S.K./