

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 27<sup>th</sup> Day Of April, 2012

Hon'ble Mr. Shashi Prakash- AM

Original Application No. I466 of 2006  
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Asha Singh, Wife of Late Sri Indrajeet Singh, R/o Khajuran, P.O. Dhema (Badlapur) District Jaunpur.

..... Applicant

By Advocate: Shri R. K. Pandey

Versus

1. Union of India, through Secretary Ministry of Communication, Department of Post, Dak Bhawan, Sanshad mark, New Delhi.
2. The Chief Post Master General Circle, Lucknow.
3. The Superintendent of Post Office, Mandal Jaunpur, U.P.

..... Respondents

By Advocate: Shri S. Srivastava

ORDER

The present O.A. has been filed by the applicant seeking direction to the respondents to pay Rs.6.00 Lacs as medical expenses in view of departmental rules and regulations as payable to the departmental employees.



2. The facts, in brief, are that the husband of the applicant was working as Postal Assistant in the Post Office Singaramau, District Jaunpur. He was suffering from heart disease and received treatment in several hospitals including Sadar Hospital, Jaunpur. Thereafter, he was also allegedly treated in Allahabad Hospital, S.G.P.G.I, Lucknow, and Escorts Heart Institute Delhi. Finally, he was operated in K.E.M. Hospital, Mumbai, after which he recovered and joined his duties. The applicant's husband, thereafter, made an application for reimbursement of medical expenses incurred by him, which was rejected by the Department. The applicant's husband died on 05.09.2003, leaving behind his wife, one son and three daughters. The main ground on which the applicant is seeking medical reimbursement is that the applicant's husband was the sole earning member of the family, which is now passing through acute financial crisis and that in absence of the reimbursement of the medical expenses she is not in a position to get her two daughters married. It has further been alleged that she has no other source of income and if the reimbursement is not paid by the department, the entire career of her children will be ruined due to illegal and arbitrary action of the respondents' department.

3. In the Counter Affidavit, respondents have stated that the husband of the applicant submitted his medical reimbursement claim worth Rs.1,02,550/- for his treatment to the department. As per his claim, he was referred to Medical College for his treatment by the Authorized Medical Attendant and countersigned by the Chief Medical Officer, Jaunpur on 21/22.03.2002. He was recommended by the Chief Medical Officer, Jaunpur for treatment in a recognized hospital outside the District Jaunpur, but within the State of U.P. However, the applicant in deviation of the recommendation of the CMO, Jaunpur obtained treatment at K.E.M. Hospital, Parel, Mumbai. The claim of the applicant for treatment of her husband at K.E.M. Hospital Mumbai could have been considered only if a recommendation had been given by Chief Medical Officer

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Jaunpur, as per Rule 6(4) of Medical Attendant Rules. In view of these facts, medical claim of the applicant's husband could not be considered.

4. Shri R.K. Pandey, learned counsel for the applicant argued that in the O.A the case of the applicant could not be properly projected and that the applicant did undertake treatment in Allahabad Medical College and S.G.P.G.I, Lucknow and only after finding the facilities available in these places as insufficient that he went to the K.E.M. Hospital Mumbai for his treatment. The applicant's husband was constrained to go to Mumbai on account of better facilities for heart treatment available at that hospital and that after treatment in that Hospital the applicant's husband was in a position to resume his duties. Learned counsel argued that considerable sum of money was spent by the applicant and in case the medical expenses are not reimbursed, the family of the applicant would suffer acute financial crises particularly in the context that the applicant's husband has died and that the applicant has no other source of income.

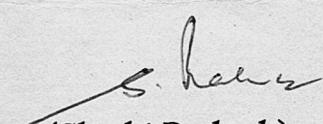
5. Shri S. Srivastava, learned counsel for the respondents argued that the CMO, Jaunpur had recommended the treatment of applicant's husband in any of the recognized Government Hospital within State of U.P. and therefore the obtaining treatment at K.E.M. Mumbai without authorization was totally improper and in violation of the relevant medical rules. Accordingly, counsel stated that the medical claim of the applicant's husband is not tenable.

6. Heard counsel for the parties and perused the entire facts of the case. It is evident from the records that the applicant being a heart patient was treated in different hospitals and ultimately in the Sadar Hospital at Jaunpur. The CMO, Jaunpur recognizing that adequate facilities for treatment of the heart ailment of the applicant's husband were not available at Jaunpur, duly recommended that he should undertake treatment in any

of the Government recognized hospital within State of U.P. Though, the applicant has mentioned that her husband had undertaken the treatment at Allahabad Hospital and S.G.P.G.I, Lucknow no records have been appended with the O.A. to demonstrate that applicant's husband ever visited these hospitals. In the absence of any medical record of these hospitals, it is difficult to believe that the applicant had obtained treatment in these hospitals and that any of these two hospitals had recommended his case for treatment of his heart ailment to K.E.M. Mumbai.

7. From the foregoing facts, it is evident that the applicant's husband without obtaining any authorization or appropriate recommendation from the Competent Authority proceeded for treatment to K.E.M. Mumbai, on his own volition. The action on the part of the applicant's husband in this regard is clearly in violation of the procedure laid down for treatment of Government employees under Rule 6(4) [G.I.M.H. No. F. 33-4/59-H.II. dated 18/29 July 1960] and therefore does not entitle him or the applicant for reimbursement of medical expenses incurred at KEM Hospital, Mumbai.

8. In view of the above facts and circumstances of the case, there is no merits in the O.A. and it is, accordingly, dismissed. No costs.

  
(Shashi Prakash)  
Member-A

Sushil