

(12)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the **21ST** day of **SEPTEMBER, 2007.**

HON'BLE MR. SHAILENDRA PANDEY, MEMBER- A.

ORIGINAL APPLICATION NO. 103 OF 2006

Nishar Ahmad Khan, S/o Late Riazuddin,
R/o G.I.T/ 65, Armapur Estate.

.....Applicant.

VE R S U S

1. Union of India through Secretary, M/o Defence,
D/o Defence Production and Supply Board of India, New Delhi.
2. The Chairman, Ordnance Factory Board,
10A, Khudi Ram Bose Road, Kolkata- 70001.
3. The Chief Controller of Accounts (FYS),
10-A, S.K. Bose Road, Calcutta- 70001.
4. Senior General Manager, Ordnance Factory,
Kalpi Road, Kanpur.

.....Respondents

Present for the Applicant: Sri Arvind Singh
Present for the Respondents : Sri S.P. Sharma

ORDER

The applicant has filed the instant case against the order of recovery of Rs. 66,000/-, which was paid to the applicant as advance towards expenses incurred for treatment at Regency Hospital, Kanpur, where he was referred by the CMO of Ordnance Factory Hospital.

Pandey

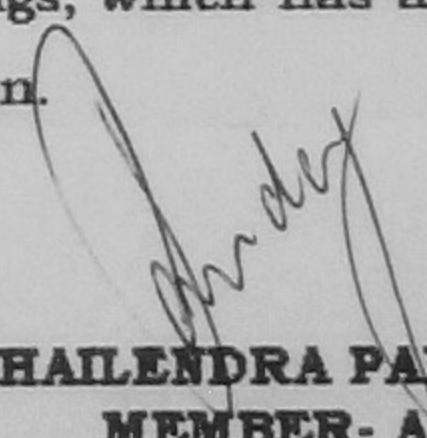
(13)

2. The contention of the applicant is that after undergoing surgery at the Regency Hospital, he submitted the bill for Rs. 82,500/- towards medical expenses for life saving system, medicine, testing and hospital charges, but the Principal Controller of Accounts (Fys), Kolkata (Respondent No. 3), disallowed the same on the ground that "purchasing of the Devises Auto Adjust/LT CPAP is not included in the authority list of artificial appliances under Medical Attendance Rule, 1944".

3. I have heard Sri Arvind Singh, learned counsel appearing for the applicant and Sri S.P. Sharma for the respondents.

4. It is not disputed that the applicant was first admitted to the Ordnance Factory Hospital at Kanpur from where he was referred by the C.M.O of the Ordnance Factory Hospital to Regency Hospital, Kanpur for further treatment. In view of this, the competent authority is directed to re-examine the claim of the applicant keeping in mind that the referral was made by the C.M.O of the Ordnance Factory Hospital and that the employee's claim is for in-hospital expenses arising from such referral. Keeping in mind the financial status of the applicant, respondents may also examine, if the expenses incurred in treatment at Regency Hospital, can be allowed to the applicant under the Medical Attendance Rules or in relaxation of the rules as a special case.

5. The O.A is disposed of accordingly, and till such time as the case of the applicant is re-examined in terms of Medical Attendance Rules /relaxation of the rules, recovery proceedings, which has already been stayed by the Tribunal, may not be acted upon.


(SHAILENDRA PANDEY)
MEMBER- A.

/Anand/