

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO./221/93
T.A.NO.

DATE OF DECISION 1-2-2000

Shri Bhikha Daya Petitioner

Mr.B.B.Gogia Advocate for the Petitioner [s]
Versus

Union of India & ors. Respondent

Mr.N.S.Shevde Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Ramakrishnan Vice Chairman

The Hon'ble Mr. A.S.Sanghavi Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
- 2, To be referred to the Reporter or not ? ✓
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Shri Bhikha Daya,
 Add: Safaiwala,
 C/o Station Supdt.,
 W.Rly., Wankaner Junction,
 Rajkot dist. Applicant

By Advocate Mr.B.B.Gogia

Versus

1. Union of India, Through :
 General Manager,
 W.Rly., Churchgate,
 Bombay.
2. Chief Medical Supdt.,
 W.Rly., Rajkot division,
 Kothi Comnpound,
 Rajkpot.
3. Divisional Commercial Manager[E],
 W.Rly., Rajkot division,
 Rajkot. Respondents

By Advocate Mr.N.S.Shevde

ORDER [oral]
In
O.A.NO.221/93

Dt. 1.2.2000

Per Hon'ble Mr.V.Ramakrishnan : Vice Chairman

The applicant a group "D" employee of the Railways is aggrieved by the stand of the Railway Administration in rejecting his claim of Rs.12,487.65 towards medical charges incurred by him when the railway Doctors were on strike. He prays for a direction to the Railway Administration to reimburse him this amount.

2. The applicant contends that during the period from 12.11.91 to 29.11.91, when the railway doctors were on strike, he fell ill and he approached the private medical practitioner for treatment and incurred expenditure of Rs. 12,487.65. When he submitted the application for reimbursement, the Railway Administration told him to submit the claim as also all the bills and the list of medicines to be counter signed by the railway doctors and to produce the essentiality certificate. This has not been done by the applicant and the railways have not reimbursed the amount to the applicant.

3. The applicant has submitted that the railway doctors were admittedly on strike and as such he had not been able to go to the railway hospital and he was compelled to go to the private medical practitioner. The applicant has further contended that the amount incurred

by him towards the medical treatment should be reimbursed to him and the action of the respondents in refusing the ~~reimbursing~~ is illegal, and in this situation, the respondents should be directed to reimburse the amount.

4. Mr. Shevde, learned advocate appearing for the respondents draws our attention to the reply statement and submits that the applicant had not got the requisite certificate from the railway doctor. He also brings out that while the other railway doctors were on strike, the Chief Medical Officer of the Railway, was not on strike and it would not have been difficult for the applicant to get the certificate from the Chief Medical Supdt. before approaching any private doctor. The railways also bring out that the approach to the private doctor is permissible only in exceptional cases when the railway doctors are not available and it has been certified by the Medical Officer as essential. In the present case, the applicant could have approached any of the government hospitals instead of going directly on his own to private medical practitioner.

5. We have considered the pleadings and the submissions of Mr. Shevde. It is not in dispute that the railway doctors were on strike but there is a clear averment in the reply of the respondents that the Chief

Medical Supdt was not on strike. The applicant also could have taken treatment at the Government civil hospital/municipal hospital instead of approaching the private doctor straightway but the applicant had not made any efforts in this regard. The rules provides for reimbursement of treatment by private doctor only in exceptional situation when the railway/government facilities could not be availed of despite of genuine efforts and the same has to be certified by the Medical Officer in charge, but the applicant himself approached the private doctor without getting that authorized by the Chief Medical Supdt, who was not on strike. The applicant has made no efforts to go to the government hospital like civil hospital or municipal hospital in Rajkot as required under the rules. The fact that the railways have asked him to get the certificates counter signed by the railway doctor would not amount to any commitment that they will reimburse the amount despite the rule position.

6. In the light of this position, the applicant is not entitled to reimbursement of the amount incurred by him towards the medical treatment taken at the hospital of the private medical practitioner. The O.A. is dismissed. No costs.


[A.S. Sanghavi]
Member [J]


[V.Ramakrishnan]
Vice Chairman

S.Solanki

FORM NO. 21
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD BENCH

OA/TA/RA/CP/MA/PT 221 of 199 3

Mr. Bhiksha Daya

APPLICANT (s)

VERSUS

Y.O.T. 8 085.

RESPONDENT (s)

I N D E X S H E E T

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2.	Reply	77 to 79
3.	Written Statement	80 to 82
4.	MOI 703/99	83 to 85
5.	O.O. offc 01-02-2000	— (5 pages)

Certified that the file is complete in all respects.

Dr. J. B. Karr
O. (J.)

Signature of S.O. (J)

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Signature of Dealer Hand.