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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 32/2007

Date of order: 16.04.2007

CORAM:

HON'BLE MR. R. R. BHANDARI, ADMINISTRATIVE MEMBER.

Raghunandan Sharma s/o Late Shri Manak Lal, aged 61 years, by caste Brahmin (Sharma), r/o 18, Badhu Ji Ka Darwaja, Jagdish Chowk, Udaipur (Rajasthan).

Official Address: Ex-PGT (History), Kendriya Vidhyalaya, Jawar Mines (Udaipur).

...Applicant.

Mr. Harish Purohit, counsel for applicant.

VERSUS



1. The Kendriya Vidhyalaya Sangthan, New Delhi, Through its Commissioner.
2. The Assistant Commissioner, Kendriya Vidhyalaya Sangthan, Regional Office at Jaipur.
3. The Principal, Kendriya Vidhyalaya, Jawar Mines, Udaipur - 313 901.
4. The Principal, Kendriya Vidhyalaya No. 1, (Partap Nagar), Udaipur - 313 901.

...Respondents.

ORDER

(By Hon'ble Mr. R.R. Bhandari, Administrative Member)

Shri Raghunandan Sharma in his O.A. has prayed for the following reliefs: -

"8 (i) By an appropriate order or direction, the impugned orders dated 24.01.2006 and 26.06.2006 (Annex. A/1) may be declared illegal and the same may be quashed and set aside.

(ii) By an appropriate order or direction, the Medical Claim filed by the applicant, may be granted with interest @ 12% per annum from the date of submission of the claim till the factual date of receipt of the same. "

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2. The factual matrix of the case as brought out in the O.A. and in the arguments made by the learned counsel for the applicant, are as follows: -

(i) The applicant served as PGT (History) and was retired on 31.12.2005. He actively participated in the Annual Day Function on 28.04.2005. He got exhausted and felt pain in the chest. On 29.04.2005, he was admitted in R.N.T. Medical College and Maharana Bhupal Government Hospital, Udaipur. He was discharged from this hospital on 01.05.2005. Later, he was admitted in Sterling Hospital at Ahmedabad on 02.05.2005 in an emergency case. He underwent emergency Coronary Angiography on 02.05.2005.



(ii) The applicant claimed reimbursement for Rs. 1,74,802/- incurred on his treatment at Ahmedabad through annexure A/5, form of application is dated 25.07.2005 kept at page 35 and 36 of the OA.

(iii) The Principal, Kendriya Vidyalaya, Zawar Mines vide his order dated 24.01.2006 kept at Annexure A/1, rejected the claim mentioning that the Sterling Hospital, Ahmedabad is not a recognized hospital for reimbursement purpose.

(iv) The applicant again submitted an application to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jaipur clarifying that his treatment was on an emergent basis and requested for reimbursement of the medical bills. This application was dated 16.03.2006 and kept at Annexure A/6, followed by a reminder on 06.06.2006.

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(v) The applicant later preferred to file this O.A. and sought the reliefs as mentioned above.

(vi) In the O.A, the applicant has mentioned that he has availed all remedies available to him including submitting representation.

3. The Rules pertaining to Medical Attendance as brought out in Swamy's Compilation of Medical Attendance Rules, are reproduced below: -

"3. (1) A Government servant shall be entitled, free of charge, to medical attendance by the authorized medical attendant.

(2) Where a Government servant is entitled under sub-rule (1), free of charge, to receive medical attendance, any amount paid by him on account of such medical attendance shall, on production of a certificate in writing by the authorized medical attendant in this behalf, be reimbursed to him by the Central Government.



Provided that the Controlling Officer shall reject any claim, if he is not satisfied with its genuineness on facts and circumstances of each case, after giving an opportunity to the claimant of being heard in the matter. 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 to the Central Government within a period of forty-five days of the date of receipt of the order rejecting the claim."

4. This Rule clearly brings out that there is a provision of submitting an appeal to the Central Government within a period of forty-five days of the date of receipt of the order rejecting the claim. It appears that the applicant has not exhausted this remedial measure. On a previous date of argument i.e. on 21.02.2007, learned counsel for the applicant was asked whether the applicant filed any appeal to the appellate authority. On date, learned counsel for the applicant informed that applicant has not exhausted this remedy as he was under impression that his claim was not rejected on the genuineness on facts and circumstances.

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5. In view of the above discussion, the O.A. is disposed of with the following directions:

"The applicant may make an appeal to the appropriate authority against the impugned orders of 24.01.2006 and 26.06.2006, within a period of one month from the date of receipt of a copy of this order. The respondent authorities are directed to consider the appeal based on merits, waiving of the delay in filing of the appeal, within a period of three months from the date of receipt of the appeal if so filed by the applicant. The applicant would be at liberty to approach this Tribunal, if not satisfied on the outcome of the appeal.

No orders for costs."

[R.R. Bhandari]
Administrative Member

/Kumawat/



copy sent to RHP 1804 along with copy of OAZ its Annexes
DT 19.4.07 SLW No 26 to 29
19.4.07

Received copy today 19/4/07
Q (Mundachurthy)
(Sch)

Part II and III destroyed
in my presence on 23-6-14
under the supervision of
section officer () as per
order dated 26-3-14

Section officer (Record)