

CENTRAL ADMINISTRATIVE TRIBUNAL

O. A. No. 225/2009
Jodhpur, this the 27th Day of July, 2010

CORAM :
Hon'ble Dr. K.B.Suresh, Member (Judicial)

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Leeladhar S/o Shri Manka Ram, aged about 52 years, Resident of Village Badabagh, Post Amarsagar, District Jaisalmer (Raj) presently working on the post of Elect. H.S in the office of G.E. (A/F), Jaisalmer (Raj).

Applicant

[By Advocate : Mr. S.K.Malik, for Applicant]

-Versus-

- 1- Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
- 2- The Garrison Engineer (A/F), Jaisalmer (Raj).
- 3- The Accounts Officer (SC), O/o AAO (SC), C/o RAO (MES), Prem Nivas, Mandore Road, 2nd Polo Ground, Jodhpur.

Respondents

(By Advocate :Mr. Vikas Seoul proxy for Mr. Vineet Mathur, for Respondents]

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: O R D E R : (Oral)
[BY THE COURT]

Heard the learned counsel for the parties.

2- The applicant, in this application, has prayed for release of his due amount incurred by him towards purchase of medicines as per relevant rules and, therefore, prayed that the impugned order at Annex. A/1 be quashed. The Allopathic modern system of medicines is recognized and other systems viz., Ayurvedic, Unani and Homeopatheic etc., were not covered by the Medical Attendance Rules, even though, some of the State Governments have recognized the alternative systems of medicines. The Government of India had decided only later-on that while Allopathic medicines which are apparently on a scientific basis, should continued to be the basis for health services. Other systems of medicines are also to be



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allowed. The provisions for reimbursement of expenses incurred towards Medical Attendance of an employee is provided for the purpose of enabling him to function more effectively and efficiently and in order to utilize his best services in a much more focused and determinant manner. Keeping this in mind and going by the prescribed policy effected by the Government of India particularly under Rule 17 of CS (MA) Rules, that the Government servants should purchase Ayurvedic medicines prescribed by their authorized medical attendants from the pharmacies or druggists concern or their authorized dealers indicated in the list for the purpose of reimbursement. The learned counsel for the respondents has taken me through the list of approved pharmacies but, I find that in the vast area of the State of Rajasthan, only a very few druggists are authorized and that too are available only in very important and capital cites like Jaipur and Jodhpur etc. It cannot be said that the intention of the Government of India was to deprive all other persons who are employed elsewhere other than in the capital cities to be benefited from the Medical Attendance Rules. Therefore, we have to understand to the provisions of Medical Attendance Rules in a more compliant manner than technical. The intention of the Government have been made clear by indicating in the Medical Attendance Rules and the applicant would contend that in fact he had purchased the medicines from the approved pharmacists i.e. Sri Narayan Ayurvedic Jaisalmer which is listed as an authorized dealer for such medicines in Jaisalmer by the manufacturers.



In any case, the choice of medicines is left to the employee and his medical advisor. Having gone through the order Annex.A/1, it seems that the respondents have, by non inclusion of Narayan Ayurvedic, Jaisalmer, in the said list of approved dealers, have not created any bar against

purchase from them, in the circumstances. It is cleared that the said list is not exhaustive and exclusive. We have to look the facts and the different geographical areas of India where the employee is posted while seeing the list which is an indicative list only and not a exclusive list. Therefore, there is merit in the contention of the applicant. The O.A. is allowed and the respondents are directed to pay within three months the amount of Rs. 15,071/-, to the applicant without any interest and in case, if the payment is delayed beyond three months, pay him interest @ 12% per annum from the date of the bill. The OA is allowed and as above with no order as to costs.



(Dr. K.B. Suresh)
Judl. Member

दिनांक 17/11/15 से उपरोक्तानुसार
भेरी न्यायपालिका दिनांक 11/11/16
को धारा-11 के अन्तर्गत किया गया।
अ. न्यायपालिका
केंद्रीय न्यायपालिका अधिकरण
कोलकाता न्यायपालिका, कोलकाता

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