

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Jodhpur, this the 10th day of April, 2014

Original Application No. 349/2010

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Inder Mal Jain s/o Shri Paras Mal Jain, aged about 75 years r/o Plot No.8, Mahaveer Nagar, Near Polytechnic College, Residency Road, Jodhpur. The applicant stood retired from the post of Divisional Chief Ticket Inspector in the North Western Railway, Jodhpur.

.....Applicant

By Advocate: Mr. D.P.Dhaka on behalf of Mr. Kuldeep Mathur

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. The Chief Medical superintendent, Northern Western Railway, Hospital, Jodhpur

.....Respondents

By Advocate : Mr. Salil Trivedi

ORDER (ORAL)

Per Justice K.C.Joshi, M(J)

In this OA, the applicant has challenged the order dated 29.3.2010 (Ann.A/1) whereby claim of the applicant for medical reimbursement has been rejected by the respondents and, therefore, has prayed that the order dated 29.3.2010 may be quashed and set-aside and the respondents may be directed to refund the medical

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expenses incurred by the applicant in connection with medical treatment of his wife to the tune of Rs. 2,11,849.50 with interest @ 18% per annum.

3. Brief facts of the case are that the applicant is a retired railway employee and he has been issued a permanent medical card by the respondents. The applicant's wife had gone to Mumbai for attending family function where she complained about severe chest pain on 26.11.2006 and looking to her condition she was taken to Bombay Hospital where the Doctors advised to immediately admit her as she was suffering from CAD. Applicant looking to the condition of his wife immediately admitted her and she got treated in the hospital from 26.11.2006 to 18.12.2006. The applicant incurred amount of Rs. 2,11,849.50 in the treatment of his wife. After return from Bombay, the applicant submitted claim for refund of the said amount but the respondents did not pay any heed to his request and vide order dated 29.3.2010 informed the applicant that the competent authority has rejected the claim of reimbursement of his medical claim, without mentioning any reason. Therefore, the applicant has approached this Tribunal claiming the relief as mentioned above.

4. By way of filing reply to the OA, the respondents have submitted that the on examination of relevant papers presented by the applicant, it reveals that no treatment was given for CAD (Coronary Artery Disease) but wife of the applicant was admitted for Pyogenic Arthritis RT, Sternoclavicular Region with DM, HT, IHD. There was no

evidence on the file in respect of severe chest pain as alleged by the applicant but on the contrary in the emergency certificate all the parameters were normal in spite of mild fever. The respondents have further submitted that as per the Railway Board guidelines emergency means any condition or symptoms resulting from any cause arising suddenly if not treated at early convenience be detrimental to health. In this case actual surgery is done. Therefore, the applicant is not entitled to any relief.



5. Heard both the parties. Counsel for the applicant contended that wife of the applicant was admitted in emergency as she was suffering from CAD and in the best interest of patient, as per the advice of the Doctors the treatment was taken, therefore, the applicant is entitled to the medical reimbursement of Rs. 2,11,849.50. He further contended that the order rejecting the claim of the applicant does not contain any specific reason as such it is non-speaking order and the same is passed without application of mind.



6. On the contrary, counsel for the respondents contended that wife of the applicant was admitted on 26.11.2006 and operation was done on 7.12.2006, which cannot be said an emergency case. Further, wife of the applicant was subjected to CAB twice but it was Pyogenic Arthritis right Sternoclavicular region for which she was admitted as per the record and not for any cardiac problem. The wife of the applicant was admitted in Cabin not in ICU, therefore, the story

of chest pain is false and concocted and the applicant is not entitled to any relief.

7. Considered the rival contentions of the parties and perused the material made available. After going through the record it is revealed that wife of the applicant was admitted for Pyogenic Arthritis RT, Sternoclavicular Region with DM, HT, IHD and not for Coronary Artery Disease, which cannot be said to be an emergent condition. Further, wife of the applicant was admitted in Bombay Hospital on 26.11.2006 and on 7.12.2006 wound debridement with muscle flap reposition was done and the final diagnosis was that the patient was suffering from Pyogenic arthritis. Therefore no interference is called for.

8. Accordingly, the OA is dismissed being devoid of merit with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C.JOSHI)
Judicial Member

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