

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00009/2014

RESERVED ON: 11.04.2016

Jodhpur, this the 12th day of April, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Dr. V.N.Sharma s/o Late Shri Samri Maji, aged 77 years, R/o 107, Ajeet Colony, Jodhpur

.....Applicant

By Advocate: Shri Surendra Mehta

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Communication and Info Technology, Department of Telecom, Sanchar Bhawan, New Delhi.
2. The Chief General Manager (DOT Cell), Rajasthan Telecom Circle, Sardar Patel Marg, C-Scheme, Jaipur
3. The Dy. Controller (Administration), Office of the Controller of Accounts, Rajasthan Circle, Old CTTC Building, Jhatara Doongari, Jaipur

.....Respondents

By Advocate : Mr. K.S.Yadav

ORDER

Dolap
Heard both the counsels.

2. It has been averred by the applicant that he retired in 1994 from the Telecom Department, Jodhpur. His grievance is that the

respondents. This has been done under the garb of a statutory provision, which stands struck down by various judicial pronouncements. Briefly stated, the applicant consulted a Doctor at P&T Dispensary, Jodhpur for his kidney problem. The Dispensary Doctor further referred him to Mathura Das Mathur Hospital at Jodhpur for specialised treatment. The applicant states that since the concerned Nephrologist at MDM Hospital was reported to be on long leave for a month, he went to Goyal Hospital for treatment, where he was admitted and treated from 06.06.2013 to 14.06.2013. The applicant then submitted his medical claim of Rs. 1,63,075 alongwith vouchers etc. to Post Master General, Jodhpur on 26.07.2013. Unfortunately, his claim shuttled between different offices and authorities. Ultimately, he has been informed that his bill for medical claim cannot be entertained on the ground that Rule 2(iv) of Medical Attendance Rules, 1944 is not applicable to retired employees. The learned counsel for the applicant, Shri Surendra Mehta, has approached the Tribunal stating that grave injustice has been done to the applicant. He has relied upon a number of judgments of various courts including CAT-Jodhpur, which are as follows:-

1. CAT Jodhpur, Vinod Kumar Bohra vs. UOI and ors., OA 287/2013 DOJ 11.02.2014
2. Raj. HC Jodhpur, UOI vs. Vinod Kumar Bohra, DOJ 03.12.2014

4. Raj. HC Jodhpur, UOI vs. Smt. Roop Kanwar Mehta, DBCWP No.3301/2005, DOJ 04.09.2013
5. Karnataka HC (Bangalore), A.B.Colaco vs. Coffee Board, Bangalore, WP No.3931/2003 (SR) DOJ 16.09.2006
6. CAT Jodhpur, Pukhraj Gehlot vs. UOI & Ors. (Telecom) OA No.287/2005 DOJ 2012.2006.
7. Raj HC Jodhpur, UOI and Ors. (Telecom) vs. Pukhraj Gehlot, DBCWP No.1786/2007, DOJ 30.05.2007.
8. Supreme Court of India, UOI vs. Prabhakar Shridhar Bapat & Ors, DOJ 3.04.2012.
9. CAT Jodhpur, L.R.Purohit vs. UOI (Telecommunication) OA No.47/2007, DOJ 03.09.2008.
10. Raj HC Jodhpur, UOI (Telecom) vs. L. R.Purohit, 4273/2009, DOJ 25.02.2011.

He states that the issue is already a settled one and the applicant should be reimbursed the expenses for which he has submitted the claim.

3. The learned counsel for the respondents Shri K.S.Yadav submitted that there is no provision for reimbursement of medical treatment to the applicant under CSMA Rules, 1944. He, however, graciously conceded that various judgments on the issue exist whereby the rule in question has been held unenforceable. The learned counsel, however, stated that as far as merits of the case are concerned, the claim is not allowable since the moot point to be considered is whether there was any emergency due to which the applicant had to hasten to another hospital than the one referred to ?. The applicant consulted the P&T Dispensary on

period of 10 days i.e. on 06.06.2013. Hence, his claim, that the case of emergency due to which he was left with no option to get admitted himself to save his life is not true. In view the medical claim is not admissible and has been rightly rejected by the respondents.

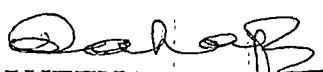
4. Going through the facts of the case, I find that admission of the claim cannot be denied in view of the plethora of judgments relied upon by the applicant. The rationale of doing so, has been discussed at length in all the judgments cited above. To say that there was no emergency, which forced the applicant to go to Goyal Hospital, may not be quite fair. As per the applicant's statement, his creatinine level had risen to an alarming level of 10.11 (A). Due to this, he had to be admitted to ICU and also put on dialysis for treatment when he went to Goyal Hospital.

5. The applicant is a Senior Citizen of nearly 80 years. He receives a meagre pension of Rs. 15,603 only. To deny him medical reimbursement at this point of time due to some wrong interpretation of statutory provisions, which, in any case, has been held as not enforceable by various judicial pronouncements, would be grossly unfair.

6. I, therefore, am convinced that admissibility of claim should not be denied to the applicant and he is entitled to reimbursement.

reimburse the entire expenses incurred by the applicant for his Kidney ailment as claimed, but without any interest. This exercise may be completed within a period of 3 months from the date of receipt of a copy of this order.

The OA is thus allowed. No costs.


(PRAVEEN MAHAJAN)
Administrative Member

R/