

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 45 of 1996.

Thursday this the 16th day of April, 1998.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

P. Kumaran, Superintendent,
Buildings/Roads Grade I,
E2(plg.), Office of the
Chief Engineer Navy, Kochi-4,
residing at Ward No.V,
House No. 20, Thrikkakara.

.. Applicant

(By Advocate Shri M.R. Rajendran Nair (rep))

Vs.

1. Union of India represented by
Secretary, Ministry of Defence,
New Delhi.
2. Garrison Engineer (P)(I)R & D, BMC
Post, Kakkenad, Kochi-21.
3. The Accounts Officer, Medical
Section, Office of the
Controller of Defence Accounts,
Madras-18.
4. Engineer-in-Chief Branch,
Army Head Quarters, Kashmir House,
DHQ P.O., New Delhi-11.
5. Chief Engineer (Navy), Military
Engineering Service, Naval Base,
Kochi.

.. Respondents

(By Advocate Shri P.R. Ramachandra Menon, ACGSC(rep))

The application having been heard on 16th April, 1998,
the Tribunal on the same day delivered the following:

O R D E R

Applicant seeks to direct the respondents to
entertain his medical claim for Rs.27,309/- on merits without
insisting on production of emergency certificate and to
reimburse him the said amount with 18% interest per annum
and exemplary costs.

2. The applicant is working under the respondents.
He has undergone surgery for Giant Retinal Tear in Sankara
Netralaya, Madras. The applicant was referred to Sankara
Netralaya from Medical Trust Hospital, Ernakulam.

The applicant submitted his medical claim for reimbursement of Rs.27,309/-. Respondents did not pass orders for reimbursement.

3. Respondents have inter-alia contended that that the applicant had not taken treatment in recognised private hospital and hence, he is not entitled to reimbursement.

4. It is the admitted case of the applicant that he had undergone Ophthalmic surgery in Sankara Netralaya, Madras. Sankara Netralaya Madras was not recognised by the respondents as one of the recognised private medical institutions for reimbursement in those days. It was recognised subsequently as one of the private medical institutions for reimbursement purpose. That order has no retrospective effect. So, the position is very much clear that at the relevant point of time the institution in which the applicant had undergone Ophthalmic surgery was not a recognised medical institution. One is entitled to reimbursement of expenses incurred for treatment when treated in a private medical institution only if the same is recognised by the authority concerned.

5. The learned counsel appearing for the respondents drew my attention to A-1 dated 24.2.94 which is a letter written by a Dr. A. Giridhar attached to Medical Trust Hospital, Ernakulam, who is a fellow of Sankara Netralaya, Madras, to Sankara Netralaya, Madras, referring the applicant for further management. So, it is a case

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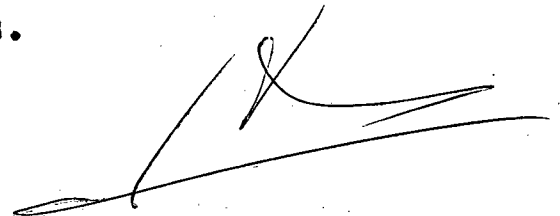


where a fellow of a private medical institution has referred a patient to that private medical institution for further management.

6. The applicant is to be non-suited solely on the ground that he had taken the treatment from a private medical institution which was not recognised by the authority concerned at the relevant point of time. Though various other arguments were advanced by the learned counsel for the applicant it is not necessary to go into all those questions since the application is to be dismissed on the sole ground mentioned above.

7. Accordingly, the original application is dismissed.
No costs.

Dated the 16th April, 1998.



ASM. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURE

1. Annexure A1: Letter of reference dated 24.2.91 issued by Dr. A. Giridhar, Medical Trust to the Ulrcoretual Services, Sankara Nethralaya, Madras.

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