

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.514/97

Monday, this the 13th day of October, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

AV Andy,
Retired Passenger Guard,
Akkamveettil House,
P.O.Tikkotti,
(via) Melaydy-673 529. - Applicant

By Advocate Mr CT Ravikumar

Vs

1. The Railway Board represented by
General Manager,
Southern Railway,
Madras.
2. The Chief Medical Director,
Southern Railway,
Madras.
3. The Divisional Personnel Officer,
Palakkad Division,
Southern Railway,
Palakkad. - Respondents

By Advocate Mr James Kurian, ACGSC

The application having been heard on 13.10.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who retired from the service of the
Southern Railway is aggrieved that his claim for reimbursement
of expenses incurred for his treatment for an ailment which
he sustained while in service is being unduly delayed by

..2...



the respondents and he seeks in this application for a direction to the respondents to reimburse the medical expenses incurred by him namely, Rs.8551.90 forthwith. The applicant was under emergent circumstances taken to the PVS Hospital, Calicut as he became unconscious during his journey in train. This hospital happened to be the nearest one available. The treatment costed him a sum of Rs.8551.90. His claim for reimbursement of this amount in full was not acceded to on the ground that the Chief Medical Director did not recommend the reimbursement of the expenses. Finding that his claim for reimbursement is still pending and not finally decided, the applicant has filed this application for the relief as aforesaid.

2. The respondents in their reply statement have conceded the claim of the applicant to the tune of Rs.6501.00 and state that the amount in excess of Rs.6401.00 cannot be reimbursed in accordance with the rules on the subject. ~~xxxxxx~~ The admissible amount of the claim, according to the respondents, would be sanctioned without delay.

3. We have heard the learned counsel on either side. Learned counsel of the applicant argued that though the treatment was availed of in a private hospital, taking into account the circumstances under which the applicant was taken to that Hospital, the respondents should have allowed the

claim in toto. The applicant has placed reliance on the instructions in regard to reimbursement of medical expenses when under compelling circumstances treatment is availed of in private hospitals. Learned counsel of the respondents also placed reliance on the same rules which says that even in such case, the expenses can be reimbursed only to the extent it would have been covered if the treatment was had in the government hospital. Learned counsel of the applicant argued that in the case of one Shri PR Unni, a claim in excess of the government hospital rate has been sanctioned and that to deny the same benefit to the applicant under identical circumstances is hostile discrimination. The respondents in their reply clarified that though Shri PR Unni put forward a claim of Rs.9193.00, only an amount of Rs.7508.00 was sanctioned and this was as per the rules and instructions contained in A-1, i.e. the Government hospital rate. Learned counsel of the applicant referred us to the ruling of the Supreme Court in Surjith Singh V State of Punjab and others, (1996) 2 SCC 336. The facts and circumstances has no comparison to the facts of the case on hand. In that case since the Escort Hospital was also in the panel of Hospital where treatment could be had by an employee of the Punjab Government, the Supreme Court held that there was no justification in denying that treatment to applicant in that case.


Therefore the decision of the respondents to reimburse to the applicant only Rs.6401.00 as per rules cannot be faulted.

4. In the light of what is stated above, we dispose of this application with a direction to the respondents to make available to the applicant the amount of Rs.6401.00 i.e. the admitted claim of the applicant within a period of two months from the date of receipt of a copy of this order.
No costs.

Dated, the 13th October, 1997.




(SK GHOSAL)
ADMINISTRATIVE MEMBER



(AV HARIDASAN)
VICE CHAIRMAN

trs/2010

LIST OF ANNEXURE

Annexure A1: Letter No. P(B)483/NDRI/Policy
dated 6.5.1994 of Head Quarters
Office, Personnel Branch, 
Southern Railway, Madras.

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