

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO. 565/09

Dated the 26th day of November, 2009

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

M.K. Krishnankutty
Assistant Controller of Stores (Retired)
Central Railway, Mumbai
Gopurathinkal, Kayantikkara
Muppathadam P.O. Ernakulama District.

Applicant

Vs

- 1 The Executive Director
Health(Gen)
Railway Board
New Delhi.
- 2 The Chief Medical Director
Southern Railway
Chennai
- 3 The Medical Superintendent
Southern Railway Hospital
Thiruvananthapuram.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 26.11.2009 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retired Railway employee, challenges Annexure A-1, A-2, A-3 and A-4 orders rejecting his claim for reimbursement of the medical expenses incurred by him for cataract surgery in the AIMS, Kochi.

2 The facts in brief are that the applicant retired from Central Railway on 30.9.1993 as Assistant Controller of Stores. After retirement from railways, he shifted his residence to Kochi and registered himself as outdoor patient with Senior Divisional Medical Officer, Railways, Ernakulam Junction and became a member of the RELHS. The applicant is a cardiac patient unable to undertake long journey. He was advised to undergo cataract surgery in the right eye by the Surgeon in Amrita Institute of Medical Sciences, Kochi. The applicant submitted Annexure A-5 representation for granting necessary sanction for the treatment at Amrita which was rejected by the respondents advising him to report to the Railway Hospital, Trivandrum with all medical reports. Taking into account the long journey to Trivandrum and the expenditure involved in stay, travel, etc. he being an aged cardiac patient, preferred to undergo cataract surgery at AIMS, Kochi. The applicant preferred a claim which was rejected. He preferred appeal which was directed to be suitably replied. Aggrieved by the action of the respondents, he filed this O.A. challenging the impugned orders at A-1 to A-4 on the grounds that it was an emergency situation and journey to Trivandrum and treatment was physically hard for him and it would be comparatively costly, the total expenditure to be incurred by him is being only Rs. 9511/- and the AIMS Kochi is one of the recognised hospitals in Kochi for treatment of State and Central Government employees, he underwent the surgery at AIMS, Kochi. Hence, he prays for reimbursement of the expenses incurred by him with interest.

3 The SCGSC appearing on behalf of the respondents, filed a counsel statement opposing the claim of the applicant, in which it is stated on the basis of instructions received from the respondents that cataract of the eye is not an emergency condition requiring emergency treatment. Knowing the condition of the ailment he was required to attend the nearby Railway Health Units/hospitals for treatment. He has not attended the Railway

Hospital. Reimbursement of medical claims will be processed based on existing rules. Instead of consulting the Railway Hospital, he preferred treatment at AIMS, Kochi, which according to respondents, is not a referral hospital for Railways. The counsel further submitted that the impugned action of the respondents does not call for any judicial interference by the Tribunal.

4 I have heard the applicant who appeared in person and the learned counsel for respondents.

5 It is true that the applicant being a retired Railway employee and member of RELHS, should have consulted the railway hospital before going to the AIMS, Kochi. According to the rules in force, the permission for treatment in a private hospital will be granted in respect of emergency cases which falls under the following categories:

1 If a patient falls ill where there are no Govt. or Railway Medical facilities available for treatment.

2 If transporting the patient to the nearest Railway/Govt. Hospital would result in loss of life

3 If authorised Medical Attendant certifies that Govt. / Railway facilities available near the place are inadequate to treat the patient.

4 If patient was admitted to the private hospital in an unconscious state by strangers in emergencies.

6 The applicant submitted that as he felt that, his vision in the right eye may get affected if he does not follow the doctor's advice to undergo the surgery as an emergency case. At his age, with the disability in the eye, it would have been very difficult for him to go to Railway Hospital at Trivandrum and get treatment. Moreover, in that circumstance, he would have incurred much more expenses.

7 On an enquiry with the learned counsel for the respondents, it was stated that no eye surgery is conducted in the Railway hospital at Trivandrum and the applicant would have been referred to an eye hospital only. The approved rates by CGHS, which is reimbursable by railway is Rs. 7500/-

8 Therefore, admitting the fact that the applicant did not go to the railway hospital for his treatment, treating it as an emergency case and that the AIMS, Kochi is a recognised hospital for State and Central Government employees, I allow the O.A. and direct the applicant to resubmit the claim to the competent authority. I further direct the respondents to pay Rs. 7500 or the admissible rate for emergency treatment of applicant's disease, to the applicant within a month of his preferring the medical bill.

9 The O.A. is allowed as above. No costs.

Dated 26.11.2009


K. NOORJEHAN
ADMINISTRATIVE MEMBER

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