

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.136/08**

Thursday this the 13<sup>th</sup> day of March 2008

**C O R A M :**

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

S.Rajendran Nair,  
S/o.late Sivarama Pillai,  
Superintendent,  
National Sample Survey Organisation,  
CGO Complex, Poonkulam, Trivandrum.  
Residing at Aswathy, Kattayikonam P.O.,  
Trivandrum – 695 584.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

**Versus**

1. Union of India represented by the Secretary  
to the Government of India,  
Ministry of Statistics & Programme Implementation,  
New Delhi.
2. The Director General,  
National Sample Survey Organisation,  
(Field Operations Division)  
East Block 6, Level 4-7,  
R.K.Puram, New Delhi.
3. The Administrative Officer,  
National Sample Survey Organisation,  
(Field Operations Division)  
East Block 6, Level 4-7,  
R.K.Puram, New Delhi.
4. The Deputy Director,  
National Sample Survey Organisation,  
(Field Operations Division)  
Ministry of Statistics & Program Implementation,  
Govt. of India, Kerala (South) Region,  
CGO Complex, 'B' Block,  
Poonkulam, Vellayani P.O.,  
Thiruvananthapuram.

5. The Joint Director,  
Central Government Health Scheme (R&H),  
Office of the Additional Director (HQ),  
9, Bikaner House, Shahjhan Road,  
New Delhi – 110 011. ...Respondents

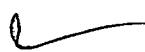
(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 13<sup>th</sup> March 2008 the Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant is presently working as a Superintendent under the 4<sup>th</sup> respondent, namely, the Deputy Director, National Sample Survey Organisation, (Field Operations Division), Poonkulam, Vellayani P.O. He has been advised to undergo Cochlear Implant Surgery at the Kerala Institute of Medical Sciences (KIMS), Thiruvananthapuram. The cost of the treatment was assessed at Rs.5,50,000/-. The applicant had made Annexure A-2 representation to the 4<sup>th</sup> respondent to sanction an advance amount of Rs.4,50,000/- so that the surgery as scheduled be performed on 26.2.2005. Vide Annexure A-3 letter dated 15.3.2005 the respondents sought clarification from the Director of Health Services, Government of Kerala, Thiruvananthapuram as to whether the Cochlear Implantation would be beneficial to the applicant, who is aged 47 years and whether any other Government Hospital is available in Kerala for his treatment. Probably, pending reply from the Director of Health Services, the 4<sup>th</sup> respondent advised the applicant to postpone the surgery. Thereafter, he was advised to produce a certificate stating that the facility for the aforesaid surgery was not available in the Government hospitals. Accordingly, he has produced Annexure A-5 certificate dated 11.2.2006.



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The sanction in this matter has to be given by the 1<sup>st</sup> respondent, namely, the Secretary to the Government of India, Ministry of Statistics & Programme Implementation, New Delhi. The 4<sup>th</sup> respondent has forwarded the request of the applicant to the 3<sup>rd</sup> respondent i.e. the Administrative Officer, National Sample Survey Organisation, R.K.Puram, New Delhi, who in turn, has sought the sanction from the 1<sup>st</sup> respondent. So far the sanction has not been received from the said authority. Meanwhile, the cost of the operation has gone up to Rs.6,25,000/- as per the certificate issued by the KIMS. The 3<sup>rd</sup> respondent again took up the matter with the 1<sup>st</sup> respondent vide Annexure A-13 letter dated 7.8.2007 to sanction an amount of Rs.6,25,000/- so that the surgery is held without any further delay. So far the sanction has not been forthcoming from the 1<sup>st</sup> respondent and in this process the operation is also getting delayed.

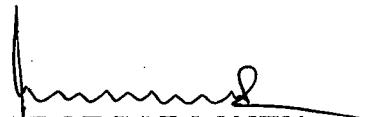
2. I have heard Smt.Rejitha on behalf of the counsel for the applicant and Shri.Shaji V.A on behalf of the counsel for the respondents. In my considered opinion the 1<sup>st</sup> respondent cannot indefinitely postpone the decision regarding applicant's case particularly in view of the fact that the KIMS, Thiruvananthapuram has advised the respondents that the surgery was required to be carried out on the applicant. I, therefore, direct the 1<sup>st</sup> respondent i.e. the Secretary to the Government of India, Ministry of Statistics & Programme Implementation, New Delhi, to take a final decision on the representation of the applicant particularly with reference to the Annexure A-13 recommendation of the 3<sup>rd</sup> respondent to sanction Rs.6,25,000/- to incur the medical expenses for the treatment of the

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applicant. The said decision shall be taken by the 1<sup>st</sup> respondent as early as possible and in any case, within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the concerned authority and also to the applicant. With the above directions the O.A is disposed of. There shall be no order as to costs.

(Dated this the 13<sup>th</sup> day of March 2008)

  
GEORGE PARACKEN  
JUDICIAL MEMBER

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