

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 191 of 2009

Thursday, this the 18th day of February, 2010

CORAM:

**HON'BLE SRI JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE SRI K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.P. Surendran,
S/o. A. Damodaran Nair,
Retired Mail Guard,
Residing at "Suparnam",
Muyipoth, Illath P.O.,
CALICUT : 673 524

... **Applicant.**

(By Advocate Mr. Martin G. Thottan)

v e r s u s

1. Union of India, represented by
The General manager, Southern Railway,
Headquarters Office, Chennai – 3
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Chief Medical Director,
Southern Railway, Chennai.
4. The Chief Medical Superintendent,
Southern Railway, Palghat.

... **Respondents.**

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The Original Application having been heard on 18.02.2010, this Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

In this O.A., the applicant seeks a declaration that he is entitled to get reimbursement of the entire amount incurred by him for his treatment and for a direction to the respondents to disburse the remaining amount which is quite substantial alongwith 12% interest from 1.1.1006 till the date of payment.

2. The applicant is a retired Mail Guard. While working as Mail Guard in Palakkad Division of Southern Railway, he had undergone a heart surgery in 2005 incurring an expenditure of Rs. 1,78,056.38. He had submitted a detailed claim for full reimbursement of the medical expenses. However, he was sanctioned a sum of Rs. 61,500/- only. Hence the O.A.

3. The applicant contends that he had undergone the medical treatment as an emergent and a life saving measure in a hospital run by a Co-operative Society. As per the policy of the Railways and the Rules of the Government, the respondents had an obligation to bear all the expenses incurred by him. They are not justified in refusing a substantial part of the amount spent by the applicant on his treatment.

4. The respondents submitted that there is no negligence on their part to get the reimbursement of medical expenses sanctioned for the applicant. Already an amount of Rs. 61,500/- sanctioned by the competent authority has been paid to him. The amount sanctioned is as per the Government guidelines and parameters prescribed by the Railways.

5. In the rejoinder, the applicant submitted that there was inordinate delay in considering his request for reimbursement of medical expenses. The amount sanctioned is much less than the entitlement calculated at CGHS (Central Government Health Scheme) rate for which there is no justification.

6. Arguments were heard and documents perused. There is no dispute regarding the facts of the case. The only point of contention is the amount of reimbursement admissible to the applicant. As per para 648(3) of IRMM, 2000, the calculation of the amount of reimbursement to be sanctioned out of the reimbursement claim is as follows :

"(c) Treatment taken in a Recognized Private Hospital but for an ailment for which it is not recognized or treatment taken in a non-recognized Private Hospital :- Reimbursement should be made at the CGHS rates of that city or nearest city. CGHS (Central Government Health Scheme) approved rates are to be recommended/processed as an upper limit for sanction."

As per Annexure A-5 obtained under Right to Information Act from the PIO (Medical) & Chief Medical Superintendent, the reimbursement claim of the applicant was received by the office in October, 2005 and thereafter, it was sent to CMD/MAS on 25.07.2006. The delay occurred because of non availability of funds. After further scrutiny and process, the GM's sanction was obtained and communicated to CMS/PGT on 20.10.2008. The calculation of the admissible amount was shown as under :

(i) Total amount claimed by the employee	:	Rs. 1,78,056.00
(ii) Amount admissible as equated with CGHS rates (Rs.12000 + Rs. 99000)	:	Rs. 1,11,000.00
(iii) Amount concurred in by FA&CAO (Full cost of 1 st procedure + 50% of second procedure).	:	Rs. 61,500.00

It is quite evident that as per para 648(3) of IRMM, 2000, the amount admissible at CGHS rate is Rs. 1,11,000/- . The FA&CAO had concurred only for an amount of Rs. 61,500/- . But no reasons for cutting down the admissible amount is given.

7. Our considered view is that there is no justification to deny the admissible amount of Rs. 1,11,000/- to the applicant. We also find that no culpable negligence can be attributed to the respondents for the delay in processing the reimbursement claim of the applicant. However, the delay that occurred is most unfortunate.

8. The O.A. is accordingly allowed. The respondents are directed to make the payment of remaining amount from the admissible amount of Rs. 1,11,000/- after deducting an amount of Rs. 61,500/- already paid to the applicant, within a period of one month from the date of receipt of a copy of this order. If there is any delay beyond one month, the

respondents will be liable to make the payment of interest @ 9% per annum till the date of actual payment.

8. No order as to costs.

(Dated, the 18th February, 2010)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

CVR.