

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 2/2007

This the ^{1st} ~~th~~ day of April, 2010

Hon'ble Dr. A.K.Mishra, Member (A)

Ramanand Lal aged about 61 years son of late Sri Surya Narain Lal resident of D-1148, Picnic Spot Road, Indira Nagar, Lucknow.

Applicant

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Dy. Directorate of Census Operations, U.P. Lekhraj Market 3, Indira Nagar, Lucknow.

Respondents

By Advocate: Sri Ganga Singh

ORDER

Hon'ble Dr. A.K. Mishra, Member (A)

This application is for quashing of impugned order dated 14.3.2006 in which the claim of the applicant for reimbursement of medical expenses incurred in treatment of his family members were rejected and also for a direction to the competent authority to pay the medical reimbursement claim along with interest.

2. During the period of service of the applicant with the Census Department of Govt. of India, he preferred six claims for reimbursement of medical expenses relating to purchase of medicines for treatment of his daughter on two occasions, his son on two occasions and his wife on two occasions.

3. It is his case that his family members had gone to his native village during the relevant periods of March and April, 2004 and had to incur the expenses for purchase of medicines on the advice of Medical Officer of the local Govt. hospital. The claims for reimbursement were made by him with the certificate of the Medical Officer, Community Centre, Bass Gaon, Gorakhpur. As his claims were not allowed, he filed O.A. No.2/2006, in which the respondent authorities were directed in the order of this Tribunal dated 6.1.2006 to consider the claims of the applicant as per rules and guidelines. The respondent No.2 states in the impugned order dated 14.3.2006 that the claims were examined with reference to the rules and government guidelines and it was held that the claims could not be allowed as they were against the rules. The order does not discuss specific provision of the rule on the basis of which such a decision was taken.



4. At the time of hearing, the learned counsel for the respondents submits that the applicant had never given intimation about the treatment of his family members at an outstation locality; as such his claim could not be allowed. In the Counter Affidavit, it is further stated that the claims of the applicant were forwarded to the Chief Medical Officer, Gorakhpur for verification of the claims whether the medicines could be prescribed without pathological test. CMO, in turn issued a letter on 4.9.2002 to the Medical Officer concerned to clarify the position as to how the patient were treated without any pathological test. The applicant also failed to produce any pathological test record. No reply from Medical Officer was received.

5. Learned counsel for the applicant submits that non-reply of Medical Officer concerned should not be adversely viewed. From the documents on record, I find that the prescription in some cases were for Bronchitis and Bacillary Dysentery. It is for the competent Medicine expert of CGHS to give an opinion whether prescriptions of the Medical officer of the Community Health Centre were appropriate in respect of ailments mentioned. It is for him to take a view whether pathological test was absolutely necessary in the cases under dispute, or whether the medical officer could have prescribed the treatment on the basis of physical examination.

6. The grievance of the applicant that the impugned order is non speaking in nature is, by and large, correct. The respondent No. 2 does not mention specific rules which prohibit claims of the nature made by the applicant. In the circumstances, the impugned order dated 14.3.2006 of respondent No.2 cannot be sustained and is accordingly set aside.

7. The respondents are directed to take advice of the Medicines Specialist of the CGHS at Lucknow about the appropriateness of the prescription and treatment undertaken by the family members of the applicant and on that basis pass a speaking and reasoned order on the claims of the applicant. O.A. is disposed of with the directions as above. No costs.


(Dr. A.K. Mishra)
Member (A)

HLS/-