

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 517/88  
TxxNoxx

198

DATE OF DECISION 9.8.1991

Shri Arunkumar Guha.

Petitioner

Smt. Radha D'Souza.

Advocate for the Petitioner(s)

Versus

Union of India &amp; Anr.

Respondent

Mr. A. I. Bhatkar.

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman,

The Hon'ble Mr. M.Y. Priolkar, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

MGIPRRND-12 CAT/86-3-12-86-15,000

(U.C. SRIVASTAVA)  
VICE-CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

Original Application No.517/88.

Shri Arunkumar Guha.

... Applicant.

V/s.

Union of and Anr.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,  
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Mrs.Radha D'Souza.  
Respondents by Mr.A.I.Bhatkar.

Oral Judgment:-

(Per Shri U.C.Srivastava, Vice-Chairman) Dt. 9.8.1991.

The applicant was Deputy Superintendent in the Seamen's Employment Office, Bombay from which post he retired on 31.5.1988. He was admitted in Bombay Hospital and according to him at that time because of some heart trouble he was ultimately operated upon. It has been stated that in view of his condition there was no time for producing the necessary data to C.G.H.S. authorities and therefore the necessary reference letters were submitted to the Bombay Hospital Authorities after admission, but before undergoing surgery. After open heart surgery on 13th September, 1984 in Bombay Hospital where he was admitted on 22nd August, 1984, the applicant submitted medical bills to the Director, Seamen's Employment Office, Bombay for reimbursement claiming a sum of Rs.16,884.35. The applicant was making efforts for the same through representations and approached all the authorities but without success. He has approached this Tribunal claiming the said amount along with interest of 18%. The respondents

have put in appearance and they have opposed the application on the ground that the applicant should have taken care to get the admission/treatment at Bombay Hospital regularised and completed all formalities during his stay in the hospital before he was discharged and it is the non-compliance with the procedure required by C.G.H.S. beneficiary and continued persistence on his part which has resulted in the impasse. It has been further stated that the certificate of non-availability of entitled class was produced after 5 months. It was not available when the Directorate of CGHS examined the claim initially in December, 1984/January, 1985 which resulted in confusion and delay and the applicant's non-cooperation for complying with the procedure and that is why the claim has not been settled. The fact as stated above would indicate that obviously in that condition it was not possible for the applicant to get his case referred through the C.G.H.S. and later on obviously after his discharge relevant documents were submitted by him. The respondents are only banking upon the technical grounds instead of settling the dues. There is no justification in the say of the respondents regarding settlement of the amount. The action of the respondents in this case cannot be justified. It is not expected that the government or governmental body should refuse to settle a claim of a person for medical reimbursement on such technicality which are unsustainable. The respondents had filed their written reply in December, 1988 but the respondents have not even ascertained what is the further progress made in the settlement of claim till today.

Accordingly we allow the application and direct the respondents to pay the amount claimed by the applicant i.e. 16,884.35 within a period of two months from the date of receipt of a copy of this order, failing which the respondents shall pay the entire amount to the applicant with 10% interest. There will be no order as to costs.

M.Y.PRIOLKAR  
MEMBER(A)

U.C.SRIVASTAVA  
VICE-CHAIRMAN.

B.S.M.