

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 131/89

199

T.A. NO: -----

DATE OF DECISION 27-8-1992

Shriram Dattatraya Joshi

Petitioner

Mr.D.V.Gangal

Advocate for the Petitioners

Versus

Union of India and another

Respondent

Mr.P.R.Pai

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr.Justice S.K.Dhaon, 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 ?

ND

mbm*

MD

S.K.DHAON
(S.K.DHAON)

VC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BONBAY BENCH

BOMBAY

O.A.131/89

Shriram Dattatraya Joshi,
Shri Chintamani Co-op.Hsg.Scty.,
Bldg. No.3, 2nd Floor,
Mith Bunder Road,
Thane East. .. Applicant

-VS-

1. Union of India
2. The General Manager,
Central Railway,
Bombay V.T. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

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

Appearances:

1. Mr.D.V.Gangal
Advocate for
the applicant.
2. Mr.P.R.Pai
Advocate for the
Respondents.

ORAL JUDGMENT: Date:27-8-1992
¶Per S.K.Dhaon, Vice-Chairman¶

The applicant's son met with an accident on 29th December,1987. He was admitted in the railway hospital. His foot was put under plaster. On 16th February,1988 the plaster was removed. He was declared fit.

¶ He went home, At a distance of about 30kms. from the hospital, there he developed a severe very pain on the spot which was under plaster. He was shifted to a private hospital. The applicant had to incur an expenditure of Rs.5,000/- He claimed reimbursement from the railways. The GM(Medical) on 13.6.88 made a recommendation that the applicant should be reimbursed with a sum of Rs.3,000/- The Railway Board, however, on two occasions viz. on 28-7-88 and 2-11-88 refused to reimburse any amount to the applicant.

The applicant feels aggrieved. Hence this application.

2. An application claiming the amendment of this application has been filed.

In it, it is averred that the Railway Board in the case of Smt. P.A. Bole, a railway employee, allowed her reimbursement of the expenditure incurred in connection with the treatment of her husband in a private hospital. In the reply filed to the amendment application the fact that such a reimbursement had been allowed to Smt. Bole had not been denied, however, an attempt has been made to distinguish ~~from~~ that case ^{how} to the case of the applicant on the ground that the husband of Smt. Bole was very seriously ill.

3. The two orders passed by the Railway Board do not indicate any reason as to why it did not consider itself bound by the recommendations made by the General Manager (Medical). We have been referred to certain rules by the learned counsel for the parties. It is not necessary for us, at this stage, to ^{enter} interfere into the interpretation of those rules. If the railway board has relaxed the rules in the case of Smt. Bole, it should consider the case of the applicant in the light of that relaxation.

4. The Railway Board is directed to re-consider the case of the applicant in the light of the case of Smt. P.A. Bole and give a fresh decision on merits and according to law. If it decides not to grant any reimbursement to the applicant, it shall give reasons

in support of the same. The Board shall endeavour to give its decision as expeditiously as possible but not beyond a period of three months from the date of presentation of a certified copy of this order by the applicant to the relevant authority. The applicant is permitted to transmit a certified copy of this order to the relevant authority under regd. post acknowledgment due. With these directions the application is disposed of finally with no order as to costs.



(M.Y.PRIOLKAR)
Member(A)



(S.K.DHAON)
Vice-Chairman

MD