

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 223/1996

Date of Decision: 6/9/96

Shri S. A. Muttalib,

Petitioner/s

Shri K. B. Talreja,

Advocate for the
Petitioner/s

V/s.

Union Of India & Anr.

Respondent/s

Shri Suresh Kumar,

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B. S. HEGDE, MEMBER (J).

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- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 223 OF 1996.

Dated, this 6th, the _____ day of September, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Shri S. A. Muttalib
O.S.(II)/Cash & Pay Office,
Central Railway,
Bombay V.T.

Applicant

(By Advocate Shri K. B. Talreja)

VERSUS

1. The Union Of India through
the General Manager,
Central Railway,
Bombay V.T.

2. The Divisional Railway
Manager,
Central Railway,
Bombay V.T.

Respondents.

(By Advocate Shri Suresh Kumar).

: O R D E R :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

Heard the argument of Shri K.B. Talreja for the
applicant and Shri Suresh Kumar for the respondents.

2. The short point for consideration in this O.A. is whether the applicant is entitled to reimbursement of the medical bill amounting to Rs. 8,922/- as is sought to be made in this application. The applicant has filed M.P. No. 234/96 seeking condonation of delay in filing the O.A. The O.A. was filed on 15.01.1996 and the incident relates to 1990.

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3. The respondents in their reply contend that the application is barred by limitation and the applicant has not availed of the remedy of filing an appeal against the order of the competent authority and contend that the claim of the applicant was rejected as back as 07.02.1991 at annexure A-5 stating that the treatment availed by the applicant is in a private hospital and the hospital is not recognised for reimbursement purpose. Again on 06.08.1992 the claim of the applicant has been further rejected reiterating the same i.e. since the party has taken treatment in a private hospital which is not ^arecognised one, therefore, the said claim is not permissible. It is not the case of the applicant that he took the treatment in a private nursing home. In the miscellaneous petition no. 234 of 1996 filed by the applicant, it is stated that the applicant had approached the railway hospital, who could not diagnose the deceased and thereby he had gone to the private hospital where he was operated. It is not clear whether the applicant had approached the private hospital with the permission of the railway authorities or not. The explanation given by the applicant for the delay in filing the O.A. is not at all convincing. Apart from limitation, even on merits, it is not obligatory on the part of the respondents to reimburse the alleged expenditure incurred by the applicant if it is not done with the concurrence of the department. Even on merits the respondents had considered the request of the applicant but the same has been rejected as back as 1991.

4. In the result, I am of the view, that the O.A. is hopelessly barred by time and also on merits the same is not sustainable. Accordingly, the O.A. is dismissed at the admission stage itself. No order as to costs.

B. S. Hegde
(B. S. HEGDE)
MEMBER (J).

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