

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. No.53/2003
IN
O.A. No.327/2000

Dated this the 25th day of July, 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI K.V. SACHIDANANDAN, MEMBER (J)

Shri R.S. MishraApplicant

Versus

Union of India & OthersRespondents

ORDER (IN CIRCULATION)

GOVINDAN S. TAMPI, MEMBER (A) :

Review Petition No.53/2003 has been filed by the respondents in OA 327/2000 seeking the recall and review of the order by order dated 19.3.2003 allowing the OA.

We have considered the matter. OA 327/2000 filed Shri R.S. Mishra) Principal Scientific Officer, Quality Assurance Estt. (Metal), Ordnance Factory, Ambarnath has been allowed by us with the following observations:-

"7. It is a fact that Budd Chiari Syndrome is a rare disease which is looked upon as a harbinger of death and comes under the category of terminal disease considering the recent decision of the Hon'ble Supreme Court reported in 2002 SCC (L&S) 189 in State of Punjab and others Vs. Mohan Lal Jindal. The Hon'ble Supreme Court held that a patient undergoing bypass surgery of heart in a hospital other AIIMS due to long queue for bypass surgery in AIIMS and claiming additional medical expenses incurred by him after being reimbursed at rates of AIIMS. It was also held that the applicant is entitled for medical reimbursement only at AIIMS hospital rates. However the respondents represented on compassionate ground in respect of reimbursement of additional amount

permitted to be considered by appellant authorities on record. In this case also the respondents had filed additional written statement portion of which is produced below:-

"2. The case regarding estimated cost of expenditure that would have been incurred by the applicant had the treatment been taken in Government Hospital in India was taken up with all India Institute of Medical Science, New Delhi and they have intimated the following charges:-

- (a) Room Rent : Rs.900/- per day x 182 days
'A' Class = Rs.1,63,800/- (Room rent of 'A' class room has been revised to Rs.1700/- per day w.e.f.8.11.99.)
- (b) Diet Charges : Rs.50/- per day x 182 days
= Rs.9100/- (Diet charges are revised as Rs.100 per day w.e.f.8.11.99)
- (c) Procedure : Rs.6,000/-
Charges
- (d) Investigation : Rs.8,000/- (Approx.)
Charges
- (e) Stents : Rs.50,000/-

Total : Rs.2,36,900/-

3. The respondents submit that the above information is being submitted in compliance of the orders of the Hon'ble Tribunal and that the same may be taken on record."

In other words the respondents admit that disease like 'Budd Chiari Syndrome' if treated in India will cost Rs.2,36,900/-. Thus considering the aspect of the case we are of the opinion that the applicant is entitled to get the said amount of Rs.2,36,000/- as calculated by the respondents.

8. In the conspectus and the circumstances of the case, we declare that the applicant is entitled to get the reimbursement to the tune of Rs.2,36,900/- as calculated by the respondents and we direct the respondents to pay the amount forthwith. We also direct the respondents to re-consider the disbursement of the balance amount or portions thereof claimed to have been incurred by the applicant sympathetically for disbursement taking into account the rule position and facts of the case and pass appropriate order

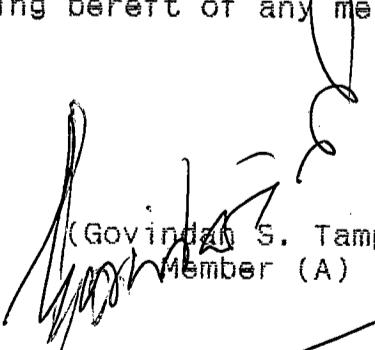
(3)

and communicate the same to the applicant as the respondents deem fit within 4 months on receipt this order. In the circumstances of the case, we dispose of the O.A. as to no interest or cost."

3. Now the respondents have come up in this review petition stating that out of the amount of Rs.2,36,900/-, Rs.9100/- towards diet charges should not have been granted by the Tribunal as Rules 26 and 27 of CS (MA) Rules were not brought to the notice of the Tribunal and, therefore, a review is called for. As it is observed from the above, an amount of Rs.2,36,900/- had been sanctioned by us on the specific submission of the respondents themselves that the expenses for the treatment of 'Budd Chiari Syndrome' in India would come to Rs.2,36,900/-. The Tribunal was justified by granting the amount and in our opinion nothing further therefore, is called for. The attempt of the present review applicants (original respondents) is to re-argue the matter, which, in our opinion, does not fall within the scope of Section 22 (3) (f) of the Administrative Tribunals Act, 1985. Such kinds of exercises are also frowned upon by the Hon'ble Supreme Court in the case of Avtar Singh Sekhon Vs. Union of India and Ors., AIR 1980 SC 2041.

4. Review application, being bereft of any merit, is rejected in circulation.


(K.V. Sachidanandan)
Member (J)


(Govindaraj S. Tampi)
Member (A)

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