

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

10

OA.NO. 761/91

Shri Sachanand Chandwani

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri G.K.Masand
Advocate
for the Applicant

Shri S.C.Dhawan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 21.10.1993

(PER: M.S.Deshpande, Vice Chairman)

The only question is whether the applicant was entitled to have reimbursement for the medical expenses of Rs.1,550.30 in respect of treatment which he had received from outside.

2. The applicant was advised to undergo an operation for Hydrocele on 16.1.1988 and when he went for admission on 14.1.1988, he was advised to appear before the Medical Board. The Medical Board by its report (Annexure-1 to the reply) stated that the applicant's general condition was good and he had no complaints regarding his health and he had no symptoms except for the left sided hydrocele and that it could be operated later on and would not interfere with his duties and he was put back to duty with effect from 25.1.1988.

3. Thereafter, the applicant received private medical treatment at Bombay Hospital and spent an amount of Rs.1550.30. On 22.12.1988 he preferred a claim for medical reimbursement.



9

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 761/91

Transfer Application No:
~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 21.10.1993

Shri Sachanand Chandwani Petitioner

Shri G.K.Masand Advocate for the Petitioners

▼
Versus

Union of India & Ors. Respondent

Shri S.C.Dhawan Advocate for the Respondent(s)

CORAM:

0

o The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri


1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *NO*
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 ? *NO*


(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

It is clear that the applicant was at liberty to have private treatment but ~~that~~ in that event unless it is an emergency, ~~otherwise~~ he will not be entitled to medical reimbursement. The report refers to three Doctors who found that there was no emergency and the operation could wait. The opinion of the Medical Board is entitled to great weight. Shri Masand, however, urges that the Medical Board was pressurised by the Railway authorities to give the opinion which was given by them. There is no material directly bearing on this allegation but Shri Masand will have us to consider the matter in the context of the applicant's transfer to a place which was not by way of normal transfer and the circumstances obliging him to seek voluntary retirement. The applicant retired voluntarily on 31.10.1988. These events were, however, unrelated to the Medical Board and merely because of these circumstances, it would not be proper to infer that the Medical Board had been pressurised. There is no other material to bear out Shri Masand's contentions.

4. In the result, we see no merit in the application. It is dismissed.


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.