

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: **12 DEC 1994**

APPLICATION NO: 809 of 1994.

APPLICANTS:- Mr.G.Loganathan,  
V/S.

RESPONDENTS:- The Manager, Mill Motor Services, Deptt. of Posts,  
Bangalore and another

T.

1. Sri.M.Raghavendra Achar,  
Advocate, No.1074 & 1075,  
Sreenivasanagar II Phase,  
Fourth Cross, Banashankari  
Ist Stage, Bangalore-50.
2. Sri.G.Shanthappa,  
Addl.CGSC, High Court Bldg,  
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 28-11-1994.

Issued on  
12/12/94

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

*[Signature]*  
Copy (Advocate)  
12/12

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH :: BANGALORE

ORIGINAL APPLICATION NO.809/94

DATED THIS THE TWENTYEIGHTH DAY OF NOVEMBER, 1994

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. G. Loganathan  
Son of Gagan  
Aged about 54 years  
Working as Group D employee,  
Mail Motor Services  
Millers Road, Bangalore-560 052. ... Applicant

(Mr. M.R. Achar, Advocate)

Vs.

1. The Manager  
Mill Motor Services  
Department of Posts  
Bangalore.
2. The Chief Post Master  
General in Karnataka  
Bangalore Circle  
Bangalore. ... Respondents

(Mr. G. Shantappa, A.C.G.S.C.)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice Chairman

Heard Shri M.R. Achar, learned counsel for the applicant and Shri G. Shantappa, learned Additional Central Government Standing Counsel for the respondents. The applicant who was said to be ailing from severe cold, headache, fever etc., went to the Central Government Health Scheme (CGHS for short) infirmary in Bangalore for treatment on 14th of April, 1993. It would appear that the CGHS people gave him some medication which did not assist him. With the result he went the same day to the Government



Bowring Hospital, Bangalore, for a further check-up. There he was treated as an out-patient and sent away with some more treatment. It would appear, his condition worsened on the night of the 15th instant and particularly towards midnight he suffered from acute breathlessness and thereby was taken to a close by Nursing Home called Mediscan Nursing Home, which is said to be near his house. He was treated there as an in-patient from the 15th to 18th and discharged. Therein he is said to have incurred an expenditure of Rs 1,144.83. Now he wants reimbursement of that sum. The CGHS rejected the bill on the ground that he had not been referred for treatment as in-patient anywhere.

2. Shri Achar says that his client had fallen seriously ill on the midnight of the 15th instant and he was obliged to seek admission to the Nursing Home in the neighbourhood and at that hour he could not think of getting a reference from the CGHS to undergo treatment at a private hospital or public hospital etc. Counsel says that his client has got all the bills, prescriptions, case sheets etc., which will clearly indicate that he had got into that private Nursing Home being in a state of emergency.

3. No doubt every case has an exception, i.e., if an ailing person wanted immediate and urgent treatment then waiting for formal reference for going into a public hospital at some distance could prove ineffective when aid and succour was close at hand near his home. If such is the situation denial of the claim for reimbursement of the

amount would lead to arbitrariness and needless to mention of financial hardship. I think in that view of the matter, it is only appropriate the applicant approaches the department with all materials that he has in possession indicating that he obtained treatment in emergent situation. The applicant will produce the bills, prescriptions, case sheets, etc., in possession for consideration by the department within 2 weeks from the date of this order. The department will in turn forward the same to the CGHS authorities for taking a fresh look into the matter and advise the department suitably.

3. This application stands disposed of finally as aforesaid. No costs.

sd-  
(P.K. SHYAMSUNDAR)  
VICE CHAIRMAN



TRUE COPY  
12/12/14  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore