

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 27 MAR 1995

APPLICATION NO. 1646 of 1994.

APPLICANTS: Sri. ~~Shetty~~, P.M.

V/S.

RESPONDENTS: Secretary, Ministry of Railways, New Delhi
and two others.,

To

1. Sri. B.R. Hegde, Advocate,
No. 247, First Stage,
Indiranagar, Bangalore-560 038.
2. Sri. A.N. Venugopala Gowda, Advocate,
No. 8/2, First Floor, R.V. Road,
Bangalore-560 004.

*Received two
copies of order
DF 15-3-95
27/3/95
R.V. - A.D.W.*

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 15-03-1995.

Issued on

27/03/95

DR
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.1646/94

WEDNESDAY THIS THE FIFTEENTH DAY OF MARCH 1995

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member [A]

P.M. Shetty,
S/o late P.K. Shetty,
Age 65 years,
Retired Deputy Chief
Signal and Telecom Engineer,
Western Railways,
R/a No.1162, HIG 10th 'B' Cross
K.H.B. New Town, Yelahanka,
Bangalore-560 064.

... Applicant

[By Advocate Shri B.R. Hegde]

v.

1. Union of India
represented by
its Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi-110 001.
2. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 110 001.
3. The General Manager [Personnel],
Wheel & Axle Plant,
Yelahanka,
Bangalore-560 064. ... Respondents

[By Advocate Shri A.N. Venugopal ...
Standing Counsel for Railways]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We have heard Shri B.R. Hegde, learned counsel for the applicant and Shri A.N. Venugopal, learned Standing Counsel for the Railways. As it now transpires there is little or no contest of the claim by



the applicant for reimbursement of the cost of the expenses incurred towards his treatment for cancer by the well known institute of Bangalore viz., Kidwai Institute of Oncology and had incurred some expenditure towards which he had made a claim.

2. Under the extant rules in reimbursing the expenditure incurred in that behalf he laid his claim and has been seeking recovery of the same since 1992-93. It is only now ie., in the year 1995 that an order has been made vide Annexure R-3 stating that sanction is accorded to reimburse the applicant namely Rs.27,749. The claim of the applicant had been kept pending for over two years and the explanation offered is that the applicant had been taking treatment in Kidwai Institute even before it was formally notified for treatment by the railway administration.

3. It is pointed out that employees of the Bangalore and Mysore Divisions of Southern Railway were held entitled to take treatment at Kidwai Institute but the employees of the Wheel and Axle Plant where the applicant was working had not been held entitled for providing that facility and that is the reason why the claim for reimbursement was kept pending and the Railway administration have taken the decision to extend such facility to Wheel and Axle Plant employees only recently by the apex body of the railway administration and that too it is pointed out that the decision was left to be taken by the Wheel & Axle Plant

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and the latter after being cut free by the apex body has now thought it fit to become more compassionate towards the applicant and has made the reimbursement to the extent applicable. We are not at all impressed by the very striking submission made by Shri A.N. Venugopal, for the Railways, that albeit there has been some delay in the matter of reimbursement of the applicant's claim for medical expenses it was not totally unwarranted.

4. It is somewhat surprising to notice that when the applicant's colleagues in Bangalore and Mysore Division had the facility of taking treatment in Kidwai Institute but the applicant was not allowed the same facility although he was working in an institution subsidiary to the railway administration. Be that as it may once the Railways took a decision regarding reimbursement of the expenses incurred for taking treatment admittedly in a recognised hospital viz., Kidwai Institute of Oncology accepted as the proper forum for treatment of cancer disease and there being no dispute that the institute where the applicant had taken treatment was recognised, it was quietly proper for the Wheel & Axle Plant not merely sanction the claim but should have also added a little bonus in the form of interest for delayed payment. We notice that the applicant is a retired official and as a pensioner his means are bound to be limited. In such circumstances notwithstanding the avowed policy of



the Government enabling taking of treatment at Government expenses although in a reduced scale, we feel one would have thought that the sanction for reimbursement should have been made promptly as admittedly there was no other institution to which the applicant could have gone for treatment anywhere in Karnataka and what is more that facility had already been made available to the brother workers in Bangalore and Mysore Divisions of Southern Railway. This is clearly case of ~~bureaucratic~~ apathy. We are not at all impressed by the submission of Shri Venugopal that the delay was caused on account the hospital not being recognised for treatment. If that was the only problem, having regard to the circumstances the institution being the only place where the applicant could have secured treatment we think the administration should have been more forthright and should not have dragged its feet so long in coming to a sound decision that did not alas brooke any delay. We, therefore, reject the submission of Shri Venugopal who resists the claim for payment of interest.

5. In the result this application succeeds and is allowed. The respondents should make the payment of Rs.27,749 already ordered under Annexure R-3 along with 12% interest from 15.3.1994. Annexure R-3 indicates that sanction has been obtained for the claim and also directs the applicant to visit the cash office to receive payment. We direct that the amount to

be paid moneys under Annexure R-3 along with interest ^{be paid} to the applicant within two weeks from the date of this order subject however the applicant visiting the cash office during office hours.

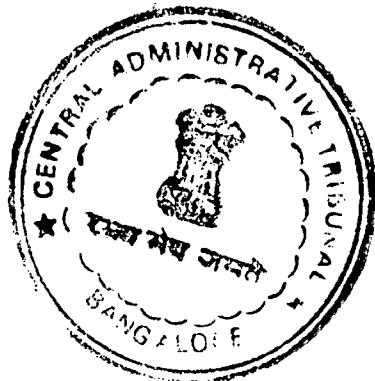
Sd/-

Sd/-

MEMBER [A]

VICE-CHAIRMAN

bsv



TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore