

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 803/97

Date of Decision: 5/6/98

Mr. Manohar Mahadev Karhadkar

Applicant.

Shri C.M. Jha

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri V.S. Masurkar

Advocate for
Respondent(s)

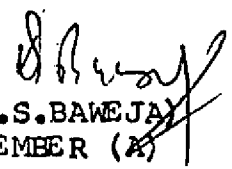
CORAM:

Hon'ble Shri. D.S. BAWEJA, MEMBER(A)

Hon'ble Shri.

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

abp.


(D.S. BAWEJA)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.803/97.

DATED THE 5TH DAY OF JUNE, 1998.

CORAM : Hon'ble Shri D.S.Baweja, Member(A).

Mr. Manohar Mahadev Karhadkar,
Retired Senior Clerk,
Chief Inspector of Work(C),
Office Western Railway,
Lower Patel, residing at Room No.4,
Parvati Villa, Natwar Nagar,
Road No.3, Jogeshwari(E),
Mumbai - 400 060.

... Applicant.

By Advocate Shri C.M.Jha.

V/s.

1. Union of India, through General Manager,
Western Railway,
Churchgate, Mumbai-400 020.

2. Divisional Railway Manager,
Western Railway,
Bombay Central,
Mumbai - 400 008.

... Respondents.

By Advocate Shri V.S.Masurkar.

ORDER

[Per Shri D.S.Baweja, Member(A)]

This application has been filed making a prayer to quash and set aside the order dated 19/1/1996 and direct the respondents to reimburse the amount of Rs.20,569/- for the medical treatment. The applicant's case is that on 13/5/93 at about 21.30 hours, he experienced severe chestpain and was in a very critical condition. With the help of his neighbours, he was immediately rushed and admitted to a private hospital. The applicant was kept in the ICU as he was suffering from instable Angina Pactoris. He also submits that his son informed the Divisional Medical Officer, Western Railway on 14/5/93 regarding his sickness. Subsequently, the applicant underwent Angiography in J.J.Hospital on the advice of the Doctor of the private hospital.

2. The applicant has ^{incurred expenditure of} put in his claim of Rs.16,118/-

for treatment at Private hospital and Rs.4,451/- for treatment at J.J.Hospital. The applicant has made claim for reimbursement of Rs.16,118/- + Rs.4,451/- = Rs.20,569/-. However, the same was not granted and being aggrieved he has filed this OA.

3. The Respondents have contested the OA at the admission stage through Written Statement.

4. Shri C.M.Jha, Learned Counsel for applicant and Shri V.S.Masurkar, Counsel for respondents are present. Arguments heard for final disposal of the OA at the admission stage.

5. The respondents in their reply in para-12 have averred that the applicant had submitted the medical bills amounting to Rs.20,569/- for reimbursement out of which only Rs.14,419.55 is admissible and the claim is under process for sanction of the competent authority and as soon as the approval is granted, the payment shall be made.

6. The respondents however have not indicated as to how the admissible amount of Rs.14,419.55 has been arrived at against the claim of Rs.20,569/- made by the applicant. From the facts of the case, it is noted that the applicant underwent Angiography in J.J.Hospital on 7/7/93 i.e. after a period of almost two months after having been admitted on 13/5/93 in the private hospital. The applicant has not come out with any averments to explain as to how he could not report to the Authorised Medical Authority for further treatment after the emergency was over. The treatment taken in J.J.Hospital could have been undergone after being referred to by the Authorised Medical Authority. In the absence of any such explanation, it is felt that, it was the decision of the applicant to continue further treatment on the advice of the Doctor of the Private Hospital. Under these circumstances, the claim for reimbursement of the treatment at the J.J.Hospital cannot be taken as arising out of the emergency situation. The respondents have already admitted that the proposal is under process for reimbursement of Rs.14,419.55, and this amount will substantially meet with


(J)

by the applicant
the claim of Rs.16,118/- made/for emergency treatment in the
in
Private Hospital. In view of this, I am not going to the
details as to how the amount has been arrived at by ^{the} respondents
and also into the merits of the reimbursement claim of
Rs.16,118/- made by the applicant.

7. Keeping in view the above, it is considered
expedient to direct the respondents to arrange the approval
of the competent authority for the payment of Rs.14,419.55
and make payment to the applicant within a period of two
months from the date of this order.

8. The OA is disposed of with the above directions.
There will be no orders as to costs. Copy of the order be
given to parties on priority.

abp.


(D. S. BAWEJA)
MEMBER(A)

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