

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1004/98

Date of Decision: 8.4.1999

Shri Suresh Gulabrao Sawane Petitioner/s

Shri Y.J. Master Advocate for the
Petitioner/s.

v/s.

Divisional Railway Manager Respondent/s
Central Railway, Sholapur and another

Shri V.S. Masurkar Advocate for the
Respondent/s

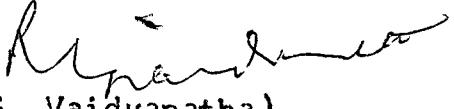
CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri

(1) To be referred to the Reporter or not? NO

(2) Whether it needs to be circulated to NO
other Benches of the Tribunal?


(R.G. Vaidyanatha)
Vice Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 1004/98

Thursday the 8th day of April 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Suresh Gulabrao Sawane
residing at G.P.O.
Near At, Dhaund,
District Pune.

... Applicant.

By Advocate Shri Y.J. Master.

V/s.

1. Divisional Railway Manager
Central Railway, Sholapur.

2. Union of India
(through General Manager)
C.S.T. Mumbai.

... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

This is an application filed by the applicant for reimbursement of medical expenses and some other reliefs. The respondents have filed reply opposing the application. Since the point involved is short point, this case is being disposed of at the admission stage. I have heard the learned counsel for both sides.

2. The applicant was working as Electric helper in the Central Railway at Daund. It appears on 17.9.1996 while the applicant had climbed the Electric pole to dis-charge the duty, he had got an Electric shock and he fell down. He appears to have sustained injury in the back and became unconscious and he was taken by other Railway officials to the Railway Hospital at Daund and after giving first-aid he was shifted the same day to KEM Hospital

...2...!

at Pune. According to the applicant he re-gained consciousness at about 1.00 P.M. on 18.9.1996. Then he under went ~~a~~ surgery on 24.9.1996 and he stayed in the hospital for nearly two months and he was discharged from the hospital on 8.11.1996 and advised six months rest and to continue the treatment. According to the applicant was taking medicine for six months on the basis of prescription issued by the Medical Officer of Dund. Then the applicant made an application to the department for reimbursement of medical expenses of Rs.11,980/-. It appears that the respondents have rejected the claim of the applicant for medical reimbursement. The applicant also states that since he sustained injury during the dis-charge of duty he should get compensation of Rs. 1,00,000/-. The applicant also claimed increment which was due to him in 1996 which has not been granted.

3. The respondents in their reply have admitted that as per the record the applicant had fallen from Electric pole and sustained some injury. He was treated at first in the Railway Hospital at Daund and then shifted to KEM Hospital Pune. It is also stated that the applicant himself got admitted in special ward of KEM Hospital and therefore the Railway has to pay Rs. 20,791/- to the Hospital. Then it is alleged that the applicant has paid extra amount of Rs. 11,000/- to the Hospital which cannot be reimbursed by the Railways. That the Railways have rightly rejected the claim of the applicant. Then it is clearly stated that the applicant cannot claim for relief as compensation for injury, since it has to be claimed under Workmen Compensation Act, 1923. That this Tribunal

for

has no jurisdiction to grant any such relief. It is also stated that charge-sheet was issued against the applicant for negligence in dis-charging the duties on 17.9.1996. Then it ended in minor penalty of 'Censure'. The applicant is not entitled to any other relief prayed for.

4. Before going to the merits of the case, at the outset it is to be mentioned that the applicant's prayer for compensation for Rs. 1,00,000/- for the injury sustained by him cannot be entertained by this Tribunal. The applicant will have to approach the Civil Court or authority under Workmen Compensation Act 1923 or any other forum for claiming the damages for the injury sustained by him. He cannot agitate such claim before this Tribunal. Therefore the claim cannot be entertained by this Tribunal for want of jurisdiction, with liberty to the applicant to approach the appropriate forum according to law.

Similarly the applicant's prayer for grant of increment in 1996 cannot be considered since there is no proper foundation in the pleadings. Even otherwise it amounts to multiple reliefs and cannot be granted by this Tribunal as this has nothing to do with the medical reimbursement. Therefore that question is also left open, with liberty to the applicant to take proper legal steps according to law.

5. Now coming to the question of medical reimbursement, it is admitted that the applicant sustained an injury during the dis-charge of duty on 17.9.1996 and he was admitted in Railway Hospital and later shifted to KEM Hospital. In the present case there is no claim regarding the amount that has been paid by the applicant till the date of *fr*

dis-charge on 8.11.1996. The applicant is not claiming reimbursement of the amount paid by him in the KEM Hospital, The applicant is claiming reimbursement of medicine purchased by him on the prescription given by Dr. Arun Rao, Medical Superintendent, Central Railway Hospital, Daund. Zerox copy of the bill clearly show, that the medicine has been purchased by the applicant on the prescription of the Doctor of Central Railway Daund. He has further stated that the Railway Doctor has singned the required form for reimbursement of medical claims which are at page 23 to 29 of the paper book.

6. ^{Once} the applicant has taken the medicine on the prescription given by the Railway Doctor, undoubtedly he is entitled to reimbursement. The respondents have rejected the claim only on the ground that he got himself admitted in a special ward though he is eligible for general ward and therefore the claim cannot be accepted. The rejection letter dated 3.11.1997 and the relevant portion in the letter is as follows:

" you got yourself admitted in the semi-private ward and therefore the extra expenses incurred for treatment which have been paid by you to the KEM hospital cannot be reimbursed."

Even in the reply the ~~specific stand taken~~ by the department is in para 9(d) which is as follows:

" The respondents submits that the applicant is not entitled for reimbursement of difference of medical charges for the reasons stated herein above." *by*

7. The respondent's case is that the applicant is claiming the difference of medical charges between the charges of semi-ward and General Ward which he had paid to the hospital. Since he is not eligible for semi ward he cannot get the difference. The respondents have rejected the claim of the applicant as he is claiming the money which he had paid to the hospital.

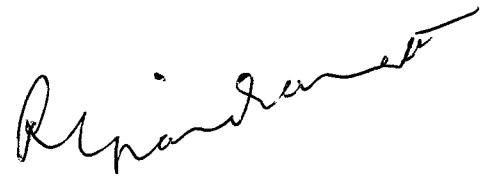
8. From the medical vouchers filed by the applicant clearly shows that these are the expenses incurred by the applicant for purchase of medicine on the prescription of Dr. Arun Rao of the Railway Hospital. The applicant is not claiming the amount paid to the KEM hospital towards the ward charges. Therefore the rejection of the applicant's claim by the respondents is not warranted. Thereofe the applicant is entitled to get the amount incurred by him for purchase of medicine on the prescription given by Dr. Arun Rao of Railway Hospital.

The applicant is also claiming the interest on the amount incurred by him for medicine. In my view in a matter like this interest cannot be granted.

As far as other claims of the applicant regarding compensation for injury and grant of increment, they are left open as observed in the order with liberty to the applicant to take proper steps as per law.

9. In the result the application is allowed partly. The respondents are directed to sanction whatever amount the applicant has claimed as per

the prescription of Dr. Arun Rao and the vouchers submitted by the applicant through the Railway Hospital. In the circumstances the respondents are granted one month's time from the date of receipt of this order to pay the amount claimed by the applicant for reimbursement of medical expenses as per the prescription of Dr. Arun Rao of Railway Hospital. No order as to costs.



(R.G. Vaidyanatha)
Vice Chairman

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