

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1556 of 1995

DATE OF DECISION: 2.6.96

S. Madhava Rao

APPLICANTS

Versus

Union of India, rep. by Secretary,
Min. of Communications, Dept. of Telecom,
New Delhi and 4 others.

RESPONDENTS

FOR INSTRUCTIONS

1. Whether it be referred to the
reporters or not? ✓
2. Whether it be circulated to
all the Benches of C.A.T.
or not? ✓

A
MEMBER (A)

~~Vice Chairman/Member~~ ()

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1556/95

Date of Order: 2.6.96

BETWEEN:

S.Madhava Rao

.. Applicant.

A N D

1. Union of India, rep. by Secretary
Ministry of Communications, Dept.
of Telecommunications,
New Delhi - 110 001.
2. General Manager, Telecommunications,
Hyderabad Telephones, Suryalok Complex,
Hyderabad - 500 001.
3. Area Manager (South) Telecommunications,
Telephone Bhavan, Hyderabad - 500 004.
4. Officer Incharge, Central Govt.
Health Services (CGHS), Kendriya
Swasthya Bhavan, Hyderabad-16.
5. Director, Nizam's Institute of Medical
Sciences, Panjagutta, Hyderabad-482.

.. Respondents.

Counsel for the Applicant

.. Mr.B.S.A.Satya-
narayana

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

The applicant is a Technical Supervisor under R3.
His wife underwent an operation in Nizam's Institute of Medical
Sciences (NIMS). The procedure operation required is termed
"Percutaneous Balloon Mitral Valve /Mitral Valve Replacement"
indicated as per letter dated 13.10.92. The applicant states that the
operation performed was for Mitral Valve Replacement. An
amount of Rs.76,000/- was directly deposited by the Telecom
department to NIMS for performing this operation. As per the

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medical bill (A-2) submitted by NIMS the charges for the above said operation was billed as Rs.59,602/-. An amount of Rs.16,598/- which was excess paid by the Government to NIMS had been returned to the Telecommunication authorities. Hence there is no dispute in regard to the recovery of Rs.16,578/- from the NIMS.

2. The applicant was ^{for a reimbursable} ~~approved~~ amount of Rs.50,617/- for performing the surgery and an amount of Rs.8,985/- was sought to be recovered from the applicant as Rs.59,602/- has been retained by the NIMS for performing the operation. It is further stated that the Telecommunication department has advised the applicant that ^{he} ~~is~~ is entitled for reimbursement of only Rs.50,617/- and that amount of Rs.8,985/- paid excess to NIMS has to be recovered from his salary. It is further stated that the recovery had already started and partial amount had ~~been~~ recovered from him.

3. This OA is filed that the rate of Rs.50,617/- fixed for the operation by R4 is arbitrary and that his medical claim bill for Rs.59,602/- has to be passed in full as per the bill issued by R5 at Annexure - 2.

4. The main contention of the applicant in this OA is ^{and it} that NIMS is a reputed medical hospital of the State ^{has} charged Rs.59,602/- for the operation performed to his wife. The particular operation performed on the wife of the applicant is not included in the list of approved rates for reimbursement of Central Government employees issued by R4. Hence the rates as prescribed by NIMS has to be treated as a factual reimbursement and hence he should not be asked to pay back Rs.8,985/- as extra paid to NIMS.

5. The learned standing counsel for the respondents submitted that the rate prescribed for the above said operation

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is included in the approved list and on that basis the recovery was made. Hence there is no arbitrariness on the part of the respondents when they asked the applicant to reimburse Rs.8,985/- as excess paid to NIMS for performing the operation.

6. In this case factual verification is involved. It is to be checked whether the approved list contains the rates chargeable for the said operation performed in NIMS. If the charges for this operation is already included in the list the applicant has to be reimbursed as per the approved list. If on the otherhand the charges for this operation is not included in the approved list as averred by the applicant then R4 should reappraise the charges required for performing this operation, if required in consultation with NIMS and decide the actual amount reimbursable to the applicant for performing the above operation. On the basis of the above investigation the determined amount to be reimbursed has to be 30% and if no recovery from the applicant on the basis of above sanction is to be made the amount already recovered from the applicant should be returned back.

7. The OA is disposed of as above. Time for compliance is 4 months from the date of receipt of a copy of this order.
No costs.



(R. RANGARAJAN)
Member (Admn.)

Dated: 2nd July, 1996

(Dictated in Open Court)

Avul
Dy. Registrar (Judg)

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Copy to:-

1. The Secretary, Ministry of Communications, Union of India, Dept. of Telecommunications, New Delhi.
2. General Manager, Telecommunications, Hyderabad Telephones, Suryalok Complex, Hyderabad.
3. Area Manager(South), Telecommunications, Telephone Bhavan, Hyderabad.
4. Officer Incharge, Central Govt. Health Services(CGHS) Kendriya Swasthya Bhavan, Hyd.
5. Director, Nizam's Institute of Medical Sciences, Panjagutta, Hyd.
6. One copy to Sri. B.S.A.Satyanarayana, advocate, CAT, Hyd.
7. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 2/6/96

ORDER/JUDGEMENT
O.A. NO./R.A./C.P. No.

G.A. NO.

in
1556/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

