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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1574/95

Date of Order: 9.4.96

BETWEEN:

B.V.Subba Reddy

.. Applicant.

A N D

1. The Senior Superintendent of  
Post Offices, Ongole Division,  
Ongole.
2. The Director of Postal Services,  
O/o the Post Master General,  
Vijayawada.
3. The Chief Post Master General,  
A.P.Circle, Hyderabad.
4. Union of India, represented by the  
Secretary to the Dept. of Posts,  
New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

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

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J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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The applicant who was working as an Assistant Post Master at Ongole went to Madras and got himself medically examined in the Apollo Hospital, Madras which was necessitated on account of sudden development of chest pain and deterioration of his health when he alighted at Madras on 14.6.91. It is stated that he was admitted by his friends and relatives. It is further stated that the applicant was treated for Bronchiectasis - Left Lower Lobe (with Hemoptysis). It is further submitted that the applicant





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underwent operation of left lower lung and was finally discharged from the hospital on 30.6.93. Because of the above admission in the hospital (Apollo Hospital) he incurred an expenditure of Rs.34,298.70 Ps. which he paid from his pocket. He applied to the Postal authorities for reimbursement of money spent by him. The Post Master General, Vijayawada referred his case to the Member Personnel Postal Board for giving him necessary direction in regard to the reimbursement. But the Member Personnel had directed the C.P.M.G., Hyderabad to decide this case on merits as it is within his powers to decide this issue. The request of reimbursement was turned down by order No.Ac/Med/B.V.S. dated 14/30-5.95.

2. Aggrieved by the above he has filed this OA for quashing the impugned order No.AC/MED/BRS dated 14/30.5.95 whereby he was informed that he is not entitled for reimbursement as he had not taken the clearance for reimbursement <sup>from</sup> for the Deputy Director/Chief Medical Officer of CGHS organisation as per the directions given in Appendix VIII of Medical Attendance Rules and for a consequential direction for reimbursing him the amounts spent by him for treatment in Apollo Hospital, Madras.

3. The applicant relies on the instructions contained in Appendix VIII of the Medical Attendance Rules for reimbursement of the amount spent by him in relaxation of rules in "Emergent Cases". The relevant instruction is reproduced below:-

"(1) Circumstances to justify treatment in private Medical institution:- In emergent cases involving accidents, serious nature of disease, etc., the person/persons on the spot may use their discretion for taking the patient for treatment in a private hospital in case no Government or recognized hospital is available nearer than the private hospital. The Controlling Authority/Department

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will decide on the merits of the case whether it was a case of real emergency necessitating admission in a private institution. If the Controlling Authorities/Departments have any doubt, they may make a reference to the Director-General of Health Services for opinion".

4. On the basis of the above instruction the applicant submits that rejection of his case for reimbursement is not valid as no advise has been taken from the medical authorities either from the Director General of Medical Services or from the CGHS authorities before rejecting his claim. The applicant further contend that he was in an emergent situation which warranted him to go to Apollo Hospital and that instant decision to go to Apollo Hospital was taken by his relatives and co-passengers in the train when he was travelling to Madras. Though he was not admitted in the hospital immediately before performing the operation. The very fact that he was operated upon by an eminent Cardiologist in Apollo Hospital shows that he was in a state wherein he cannot approach the departmental authorities to get prior permission before getting himself admitted in the Apollo Hospital at Madras. In the circumstances stated above the applicant submits that he is entitled for the reimbursement of Rs.34,298.70 Ps. due to the emergent <sup>and</sup> situation could not have been foreseen by him earlier.

5. The respondents counsel submits that he went to Apollo Hospital for treatment when General Hospital is just opposite to Madras Central Station when he alighted. If his <sup>condition</sup> ~~contention~~ is so emergent he could have choosen to go to General Hospital which is very near. The very fact that he went to Apollo Hospital which is about 8 KMS <sup>from</sup> ~~for~~ Madras Central

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Station shows that it is a pre-planned one to go to that hospital. Further no employee would have taken the all India LTC concession to go from Ongole to Madras. Further, the learned standing counsel read out the diagnosis as given by the medical authorities at Apollo Hospital. The diagnosis as readout contained in the discharge summary of the Apollo Hospital dated 30.6.93. The CPMG on the basis of the above report has turned down the claim of the applicant for reimbursement. The learned standing counsel further elaborated that there are three main grounds for rejecting his claim.

6. The first ground is that travelling 8 K.Ms to Apollo Hospital instead of going to the General Hospital near to Central Station shows that he was not in an emergent condition. The second ground is that he was kept as an OPD patient for 3 days. If it is really an emergent case he would have been admitted directly without keeping him an OPD patient. The 3rd ground is <sup>that</sup> the discharge summary report of Apollo Hospital indicates that it is only a simple illness and that he could have taken the permission before going to the Apollo Hospital.

7. The point for consideration in this OA is whether the applicant required emergent medical treatment at Madras when he arrived at Madras in the early hours on 14.6.93 which necessitated him to go to Apollo Hospital for treatment without taking permission from the concerned authorities. Whether it is necessary for the postal authorities to consult the Doctors as contained in Appendix-VIII of the Medical Manual before passing the impugned order.

8. I will answer the second point first in regard to the necessity to take the approval from the medical authorities before passing the impugned order. It is stated that R3 had



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relied on the discharge summary report issued by the Apollo Hospital to come to the conclusion that no further consultation is required from medical authorities due to decisive report given by Apollo Hospital. The report of the Apollo Hospital is a consolidated summary of the disease of the applicant from which he was suffering and the various <sup>diagnoses</sup> ~~diagnoses~~ on that basis. When such an elaborate medical report is available that report itself is sufficient to come to a conclusion <sup>by</sup> ~~to~~ the respondents in regard to the claim of reimbursement. When such a concise medical report is available there may not be any need for R3 to further consult the medical authorities namely the Director General of Health Services or CGHS authorities as no further <sup>details</sup> ~~details~~ over and above the report can be given by the CGHS authority. In view of this I do not consider it necessary to consult the medical authorities of Health Services as contained in Appendix-VIII of medical manual before rejecting the claim of the applicant.

9. The first contention of the applicant is that he was in an emergent situation and hence approached to Apollo Hospital without taking the referral certificate to go to Apollo Hospital at Madras. From the sequence of events it transpires that the applicant was kept as OPD patient at Apollo Hospital. If he is in such a serious condition probably no hospital will permit him to go out of the hospital and would have admitted him then and there itself even for tests to be conducted prior to operation. The very fact that he was kept as out patient for performing the necessary tests before operation it would mean that his illness was not that serious to get emergent medical attention from a private hospital without proper authorisation. The very fact he was having the previous history of this disease he could have easily

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taken permission from the concerned authorities if he wants to get treated in Apollo Hospital, Madras. Probably fearing that such certificate will not be given to him as these facilities may be available in the hospitals to which the applicant should normally go for treatment for such disease he took recourse to go to Madras without obtaining the necessary referral certificate. There is force in the submission of the respondent when they submit that he could have gone to the General Hospital at Madras when he alighted from train in the early hours on 14.6.93 as the General Hospital is just opposite to the Madras Central Station and he could have got immediately admitted if his condition is so serious. But for some un-  
explicable reasons he approached the Apollo Hospital which is about 8 K.Ms from Madras Central Station.

10. Every person has got a right to choose his medical treatment. But if there are certain rules and regulations to be followed for getting reimbursement for treatment no employ can defy the rule and apply for reimbursement. In the present case for the reasons stated I am of the opinion that the applicant failed to take the necessary referral certificate from the authorities concerned before leaving Ongole, his headquarters station. As he did not follow the rules for medical reimbursement he cannot claim the de-hors rules.

11. Bombay Tribunal has held that rule provide for reimbursement in emergency cases for such cases is permissible. But the study of the case reveals that the applicant in the above referred case in emergency condition and hence his expenses in private hospital was reimbursed. The facts in the present case d

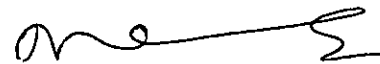
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not reveal that the applicant was in an emergent condition to get treated in Apollo Hospital without referral certificate to get reimbursement by <sup>ex</sup>post-facto sanction.

12. In view of what is stated above I am satisfied that the applicant had not made out a case for reimbursement as prayed for.

13. In the result the OA is dismissed. No costs.



( R. RANGARAJAN )  
Member (Admn.)

Dated: 9th April, 1996

(Dictated in Open Court )

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*Prithvi*  
7-11-96  
Dm.

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O.A.NO.1574/95

**COPY TO:**

1. The Senior Superintendent of Post Offices,  
Ongole Division, Ongole.
2. The Director of Postal Services,  
O/O The Postmaster General,  
Vijayawada.
3. The Chief Postmaster General,  
A.P.Circle, Hyderabad.
4. The Secretary to Dept. of Posts,  
New Delhi.
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CAT, Hyderabad.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 9.4.96

ORDER/JUDGEMENT

M.A.NO/R.A/C.A.No.

IN

B.A.NO. 1574/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

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| केन्द्रीय प्रशासनिक अधिकरण<br>Central Administrative Tribunal<br>प्रेषण/DESPATCH<br>E3 JUN 1996<br>हैदराबाद न्यायपीठ<br>HYDERABAD BENCH |
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