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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.248-of-1996

DATE-OF-ORDER:-24th-February,-1997

BETWEEN:

PASUPULETI NAGESWARA RAO

.. APPLICANT

AND

1. Union of India represented by
the General Manager,
South Central Railway,
Secunderabad,
2. The Medical Director,
S.C.Railway Hospital,
Lallaguda, Secunderabad,
3. The Chief Medical Director,
Medical Branch, Rail Nilayam,
Secunderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.PALGUNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO, Addl.CGSC

CORAM:

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

None appears for the applicant. The applicant is also absent. Heard Shri Krishna Mohan for Shri J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant is a retired Railway employee and a medical card holder with registered^{ation} number 1570. The case

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reference of those authorities, reimbursement is not permissible, that under the ^ERALHS scheme there is no provision for reimbursement of medical expenses to the retired employees, that the applicant had approached a private hospital at Guntur, that there was ^a Government hospital at Guntur, that therefore, his claim for reimbursement is not admissible, that as far as the expenses incurred by the applicant for his treatment at Hyderabad on his reference by the Medical Director (Redesignation of CHS) Railway Hospital, Lalaguda is concerned, the applicant is eligible for reimbursement of the expenses to the extent which is in accordance with the instructions contained in Annexure R-1, that expenses incurred by the applicant for the treatment in the private hospital or in the diagnostic centre without the approval of the prescribed authorities is not ~~payable~~ ^{permissible} under the scheme, that the fact that the applicant suffered from the disease is not in dispute, that the expenses incurred by him for his treatment at Guntur Hospital is not permissible under the rules. It is further submitted that the circular instructions contained in the letter dated 12.9.95 are applicable prospectively and therefore the said ~~order~~ ^{instructions} cannot be made applicable to the case of the applicant.

5. The applicant had remained absent. This OA is being disposed of on the basis of the material available on the record in accordance with the Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

6. The applicant had not placed any material on record to show that the Medical Superintendent Dr. Rasool

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Medical Director through his letter dated 10.8.95, that subsequently he submitted an appeal claiming reimbursement of Rs.17,457=36 Ps, that R-2 by his letter bearing No.HQ/MkD/139/R9 dated 22.9.95 informed him that his claim is not admissible as he had taken treatment at ^aprivate hospital.

3. The applicant has filed this OA challenging the letter dated 22.9.95 on the ground, that under the emergency circumstances he was forced to approach the private hospital at Guntur and that he is entitled to claim reimbursement of the amount spent by him for the ailment.

5. The respondents have filed their counter contending that the recommendations of the Fourth Pay Commission were considered and in accordance with the recommendations, the Railways ^{Administration} introduced a scheme known as "Retired Employees Liberalised Health Scheme (RELHS)" circulated in letter NO.86/H/6-2/2 dated 29.8.88, that prior to this scheme, retired employees of the railways were governed by the Contributory Health Scheme known as Retired Railway Employees Contributory Health Scheme (RECHS), that under the new scheme, the facilities extended to the retired Railway employees have been enumerated in Para 4 of the scheme, that a copy of the scheme is at Annexure R-I, that as per Para 6 of the said letter, reimbursement of the expenses incurred to the extent of 50% is permissible in accordance with the scheme, When such Railway employee is referred with the approval of the Chief Medical Officer or the Chief Hospital Superintendent or the Superintendent of the Railway Hospital, that without

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had contacted him over phone and had authorised him to undergo the treatment at a private medical hospital. If really that was the case, at least the said Medical Superintendent should have brought to the notice of the higher authorities about this fact. Even though he claims to have intimated the Chief Medical Director, no such document is produced along with the OA. However, the respondents admit that the treatment taken by the applicant on his return to Hyderabad from 3.8.95 is acceptable and if any expenses incurred by him, he is eligible for reimbursement only to the extent of 50% as per the scheme Annexure R-1. Hence the letter dated 22.9.95 issued by R-2 is hereby set-aside.

7. R-2 may consider the claim submitted by the applicant and pay the amount to which he is eligible for reimbursement in accordance with Annexure R-1 dated 3.11.88 for the treatment taken by him. The reimbursement is to be made only to the extent of 50% as per Annexure R-1. R-2 may bear in mind the principles enunciated in the case of N.M.Rokde Vs. Union of India (1996) (3) SLJ (CAT) 215 (Jabalpur) and in the case of Surjit Singh Vs. State of Punjab and others [(1996)(1) SCALE 648], while considering the claims of the applicant.

8. Hence R-2 is directed to consider the case of the applicant in accordance with the rules and Annexure R-1

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within three months from the date of receipt of a copy of this order.

9. Thus the OA is disposed of. No order as to costs.

प्रमाणित इति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

DATE	24/8/96
BY	24/8/96
Copy made by	11/3/97
Signature	(Signature)
Official Seal	(Seal)