

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

ORIGINAL APPLICATION NO.215 OF 1997.

Date of Order - 19th August, 1997.

Between.

P. VEERASWAMY,
aged about 49 years,
Son of Late P. Narasimhulu,
Driver, Staff No.7136,
O/o the Divisional Engineer,
Telecom. External, Secunderabad. ... Applicant.

And.

1. The Union of India,
Rep. by the Director General,
Telecommunications, New Delhi-110 001.
2. The General Manager,
Telecom District Hyderabad,
Hyderabad- 500 003.
3. The Area Manager,
North Hyderabad Telecom District,
Hyderabad.
4. The Addl. Director, C.G.H.S.,
Begumpet, Hyderabad. ... Respondents.

COUNSEL FOR THE APPLICANT :- Mr. J.V. Lakshmana Rao.

COUNSEL FOR THE RESPONDENTS:- Mr. V. Bhimanna, Addl. CGSC.

CORAM :

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

ORDER (ORAL)

1. Heard Mr. J.V. Lakshmana Rao, learned counsel for the applicant and Mr. V. Bhimanna, learned counsel for the respondents.

2. This is an application under Section 19 of the Administrative Tribunals Act filed by the applicant claiming reimbursement of the hospital charges paid by him for his son who had undergone an operation in a private hospital. The applicant is a Driver in the respondents' organisation. This case has certain

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interesting overtones. The authorities of the C.G.H.S., who are charged with the primary responsibility of looking after the health of the employees of the Central Government and their families in the twin cities, are of the view that the applicant's son was suffering from an ailment which did not indicate any medical or surgical emergency. On the other hand, a leading private hospital (which was not recognised at the time but was subsequently recognised by the C.G.H.S.) was of the opinion that there was emergency in the case and that an urgent surgical intervention was called for. Thus, two experts differed in their professional diagnosis from one another in respect of the case. This Tribunal would not, of course, be in a position to express any opinion in the matter.

3. Having said that, it would be necessary to take note of the fact that respondent no.2, who is the immediate controlling officer of the applicant, initially entertained the view that the claim could not be passed on account of the ^{opinion} view expressed by the C.G.H.S. authorities, but appeared subsequently to have come to a conclusion that the claim of the applicant was indeed justified and accordingly recommended the case to respondent No.4 for clearance. The views of the C.G.H.S. however, remained unchanged and the claim came, therefore, to be rejected.

4. This has resulted in a piquant situation since the applicant had ^{duly} paid a considerable amount to the hospital for services rendered, including the surgery that was performed.

5. The only ground on which the C.G.H.S. seems to have rejected the claim is that the patient had been referred by them to a particular recognised hospital

for further consultation, whereas the applicant chose to approach a hospital of his own choice ignoring the reference and recommendation of C.G.H.S. When asked to explain this deviation, it was submitted on behalf of the applicant that the hospital to which his case was referred by C.G.H.S. did not have a permanent full-time Surgeon on its establishment and Surgeons had to be brought by a special call. While this was so, the urgency in the case of the patient was so acute and unpostponable that the applicant had to take him ^{immediately} to the private hospital as advised by his family doctor.

6. The contention of the applicant as to whether a Surgeon would have been available or not in Sagarlal Memorial Hospital, to which this case was referred by C.G.H.S., is not convincing and can in fact be easily verified; but that is not the question which arises in this case. The fact is that a reputed hospital - which has subsequently been also recognised by the C.G.H.S.- has certified (vide Annexure-2) that the patient was operated on emergency basis and had in fact remained in the hospital for 14 days thereafter. Normally, no one would be expected to subject himself to the pain and agony of a surgical operation unless an urgent need was felt by him and if ^{had not} unless expert professional advice recommended it, in this instance by a qualified doctor even if he belonged to a non-^(by CGHS) recognised hospital at the time. There is no particular ^{professional procedures} reason why such opinion and action can or should be ignored.

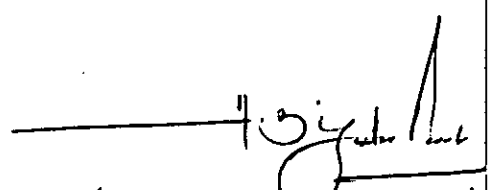
7. Considering the facts of the case, it would be fair ~~that~~ the applicant, who, as stated earlier, is a driver, is not put to sizeable monetary loss. It would be harsh if no help is extended in such

apparently deserving case.

8. Under the circumstances, it is considered just and proper to direct respondent No.2 to process the claim of the applicant on the strength of the certificate issued by the Gastroenterologist (Annexure-2) of CDR Hospital. It is made clear that in giving this direction it is not remotely the intention of the Court to disregard or question the opinion given by the respondent No.4. It is only because of the undeniable hardship that would be caused to the applicant in the event of non-sanction of the expenditure already incurred by him that this direction is being given.

The claim may be settled within 30(thirty) days from the date of receipt of copy of this order.

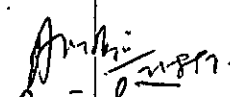
9. Thus, the O.A. is disposed of. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE).

Dated the 19th August, 1997.

Dictated in Open Court.

DJ/


Deputy Registrar (D) cc.

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O.A.215/97.

To

1. The Director general,
Telecommunications,
Union of India, New Delhi-1.
2. The General Manager,
Telecom Dist.Hyderabad,
Hyderabad-3.
3. The Area Manager, North Hyderabad Telecom Dist.
Hyderabad.
4. The Addl.Director, C.G.H.S.,
Begumpet, Hyderabad.
5. One copy to Mr.J.V.Lakshmana Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, Addl.CGSC. CAT.Hyd.
7. One copy to HHRP.M.(A) CAT.Hyd.
8. One copy to DR (A) CAT.Hyd.
9. One spare copy.

pvm.

25/8/97

C.C. by 22/8/97
21/8/97.

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:- 19/8/97.

ORDER/JUDGMENT.

M.A../RA../C-A.No...

in

O.A.No. 215/97

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

