

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

C.A. No. 341/93

Date of decision: 6.4.94

K.C. MISHRA

: Applicant.

VERSUS

UNION OF INDIA & OPS

: Respondents.

Mr. Tej Prakash

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

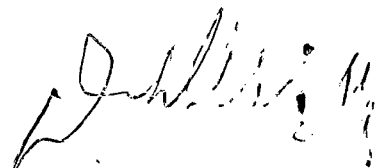
Heard the learned counsel for the parties.

2. The applicant was admitted in Civil Hospital, Ujjain as he suffered Cardiac Arrest. On 23.5.90, Medical Officer, Incharge, Railway Hospital, Ujjain was addressed a letter by the Asstt. Surgeon, Civil Hospital, Ujjain requesting the Incharge of the Railway Hospital to permit the applicant to travel by train to Jagjivan Ram Hospital, Bombay. He also suggested that T. Choeth Ram Hospital at Indore is the nearest hospital and the applicant may not feel the agony of the travel and he may be allowed to get his treatment there. He also requested to provide one doctor to accompany him upto Indore. This letter was not responded by the Railway Hospital. Myocardial Infraction is a very serious disease and the applicant cannot be treated at Ujjain and the District Medical Officer also certified that there is no facility available at Ujjain, as such, the applicant should be referred to Indore which is the nearest station. This is a reasonable cause for referring.

3. As far as not seeking a permission for going to Indore is concerned, it is immaterial. In such circumstances, where there is no facility available, a patient cannot be allowed to die and there is no reason to disbelieve the District Medical Officer, Ujjain who has stated that no facilities are available at Ujjain and in this regard, a

letter was addressed to the Railway Hospital and that remained unattended. So going to Indore for the treatment at T.Choeth Ram Hospital was a valid ground and it is expected from the respondents to accord permission for getting the treatment in T.Choeth Ram Hospital and this objection that earlier permission was not obtained may be waived. As far as the denyingness of bills and other allied matters are concerned, the respondents are directed to re-examine the bills afresh, waiving the clause of non-permission for going to Indore.

4. The O.A. is disposed of accordingly, with no order as to costs.



(D.L. MEHTA)
Vice-Chairman