

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

17.9.2009

OA 1/2009

Mr. C.B. Sharma, counsel for applicant.
Mr. Hawa Singh, counsel for respondents.

Heard learned counsel for the parties. The OA stands disposed of by a separate order.

Daulat
(B. L. LAKHATRI)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 17th day of September, 2009

ORIGINAL APPLICATION No.1/2009

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Lallu Ram
S/o Late Shri Harbux,
R/o 13, Rajdeep Colony,
Meenawala, Sirsi Road,
Jaipur.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
General Manager,
North Western Zone,
North Western Railway,
Jaipur.
2. Sr.Divisional Finance Manager,
North Western Railway,
Jaipur.
3. Chief Medical Director,
North Western Railway,
O/o General Manager,
North Western Zone,
North Western Railway,
Jaipur.
4. Chief Medical Superintendent,
Railway Hospital,
North Western Railway,
Jaipur.

... Respondents.

(By Advocate : Shri Hawa Singh)

ORDER (ORAL)

The applicant has filed this OA against the order dated 18.12.2008 (Ann.A/1), whereby respondent No.4 has informed that as the applicant, who was admitted in the railway hospital, had left the railway hospital without permission of the doctor and had taken treatment in a private hospital without the case being referred under the emergent condition, he cannot be granted the medical reimbursement under the provisions contained in para 648(ii) of the IRMM, 2000. Through this OA the applicant has prayed for the following relief :

- "i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to release payment of Rs.27,492/- indoor- 5000/- outdoor treatment towards medical reimbursement alongwith interest at market rate from the due date of payment till payment by quashing letter dated 18.12.2008 (Annexure -A/1) with all consequential benefits.
- ii) That the respondents be further directed not to deduct any amount authorised by the Opposite, as treatment taken in emergency.
- iii) Any other order, direction or relief may be passed in favour of the applicant which maybe deemed fit, just proper under the facts and circumstances of the case.
- iv) That the costs of this application may be awarded."

2. Brief facts of the case are that on 13.6.2008, while performing the duty of 'Dak Delivery', the applicant fell down from the cycle nearby office and got fractures in leg as well as hand in addition to the other injuries sustained and got unconscious due to intolerable pain. The office staff immediately admitted him in the railway hospital at about 16.00 hrs. and the applicant remained there for more than two hours, but no proper care and attention was given to the applicant by the staff of the railway hospital. As such, his family members immediately shifted the applicant to a private hospital namely Dwarika Hospital, Sushilpura, Jaipur, for better

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treatment, where he remained as an indoor patient and got operated.

3. It was also submitted by learned counsel for the applicant that the railway hospital was not having the facility of providing plates and rods etc. Case of the applicant was that of emergent nature and the doctors of the private hospital have also justified the same. The respondents have rejected the claim of the applicant without proper appreciation of the facts of the case.

4. Notice of this OA was given to the respondents, who have filed their reply opposing the claim of the applicant on the ground that claim of the applicant is not covered under para 648(ii) of the IRMM, 2000.

5. I have heard the rival contentions and perused the record. The applicant has specifically submitted that when he was admitted in the railway hospital at 1600 hours and remained there for about two hours, no proper care and attention was given to him by the staff of the railway hospital. Under such circumstances, he got admitted in the private hospital by his family members. It was also submitted that the railway hospital was not having the facilities of operation and providing plates and rods etc.

6. After having considered the facts of the case, it is considered necessary to direct the applicant to file a self-contained representation, within a fortnight from the date of this order, alongwith the justification regarding emergent condition of the patient by the doctor of the aforesaid private hospital, to respondent No.3 i.e. Chief Medical Director and respondent No.3 who after examining all the certificates and the prescriptions of the private doctor, will give his opinion in writing whether the case of the applicant was that of emergent nature or not. In case, the facility of providing plates/rods was not available in the railway hospital, then the case had to be

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treated as an emergent one. Respondent NO.3 will forward his opinion alongwith the representation to the competent authority/GM within a further period of fifteen days from the date of receipt of the representation and in that eventuality, the competent authority/GM will pass necessary orders within a further period of two months from the date of receipt of the opinion/report from respondent No.3.

7. The OA stands disposed of accordingly with no order as to costs.


(B.L.KHATRI)
MEMBER (A)

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