

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

OA NO. 291/00296/2014

Date of Order: 22/11/2016

CORAM:

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Vijay Singh S/o Late Sh. Kishan Singh, By caste Rajput, aged about 77 years, R/o A-13, Nirwan Marg, Jhotwara Road, Jaipur Retired Diesel Assistant, North Western Railway, Bandikui, Jaipur Division.

....Applicant

(By advocate : Mr. Surendra Singh)

VERSUS

1. Union of India, through its Secretary, Ministry of Railway, New Delhi.
2. General Manager, North Western Railway, Railway H.Q.s, Near Jawahar Circle, Malviya Nagar, Jaipur.
3. Chief Medical Director, North Western Railway, Railway H.Q.s, Near Jawahar Circle, Malviya Nagar, Jaipur.
4. Chief Medical Superintendent, North Western Railway, Railway Hospital, Ganpati Nagar, Jaipur.

....Respondents


(By advocate: Mr. R.G. Khinchi)

ORDER

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act 1985 being aggrieved with the order dated 20/03/2014 (Annexure-A/1) wherein entire reimbursement for the medical treatment of his daughter has been rejected and thereby seeking the following reliefs:

- (a) That by appropriate orders, directions, instructions order dated 20/03/2014 (Annexure-A-1) be quashed and set aside.
- (b) That by appropriate orders, directions, instructions respondents be directed to reimburse the amount of Rs. 92726/- to the applicant along with the interest @18% per annum w.e.f. he spent till the payment is made to him.
- (c) Any other relief which the Hon'ble Tribunal thinks just and proper in the circumstances of the case in favour of the humble applicant may also be allowed.
- (d) Cost of the O.A. be awarded to humble applicant.

2. When the matter came up for hearing and consideration, learned counsel for the applicant submitted that vide Annexure-A/3 dated 04/03/2011 the daughter of the applicant was referred by the Railway Hospital to Sawai Man Singh Hosiptal (SMS) for eye treatment, where she undertook eye treatment but the expenditure was only reimbursed to the extent Rs. 44918/- including Rs. 44781/- for one injection and the remaining amount was not paid. The applicant thereafter filed OA No. 721/2013 for reimbursement of the remaining amount of Rs. 92726/- alongwith interest and the same was disposed of vide order dated 12/11/2013 (Annexure-A/7) directing the respondents to consider and decide the legal notice dated 06/05/2013 (Annexure-A/1 in the OA No. 721/2013). Respondents thereafter decided the matter vide order dated 20/03/2014 (Annexure-A/1 in this OA). Counsel for the



applicant contended that the legal notice has been rejected only on the ground that as the applicant's daughter was referred on 04/03/2011 and expenditure on the treatment has been reimbursed for treatment on 15/03/2011 and 16/03/2011 but for subsequent treatment in the month of April and May the applicant did not get any further reference from the Railway Hospital and nor did he check about the availability of the injection. Counsel for the applicant submitted that these grounds are not valid because actually the patient was referred to SMS Hospital and the treatment was taken in pursuance thereof. The entire bill includes three same injections of about 44781/- each and is required to be reimbursed because it was treatment in continuity and further submitted that treatment was taken at SMS which is a State Government hospital and no objection has been raised by the respondents about the genuineness of the treatment taken. He therefore prayed for the OA to be allowed.

3. Per contra learned counsel for the respondents submitted that the applicant was referred once by Annexure-A/3 dated 04/03/2011 and the treatment taken in March was reimbursed but the applicant took continued treatment and did not inform about the subsequent treatment taken in April and May either




to the department or to the Railway Hospital, therefore there is no ground for reimbursement of remaining amount and prayed for dismissal of the OA.

4. Considered the aforesaid contentions and perused the record. It is apparent from perusal of the bill submitted by the applicant as Annexure-A/4 that on reference from the Railway Hospital (Annexure-A/3) first round of treatment took place on 15/03/2011 and 16/03/2011 for which the expenditure has already been reimbursed. However subsequent treatment which took place on 18th, 20th, April, and 24th and 28th May 2013 has not been reimbursed though the main expenditure on the treatment taken on these dates pertains to two more injections which are the same as the first injection given on 15/03/2011. In this regard it is clear that the applicant neither informed the Departmental authorities nor did he contact the Railway Hospital regarding the injection, which is the main cost in the treatment. However at the same time it is noticed that the treatment of applicant's daughter took place in SMS which is a State government hospital and respondents have also not raised any doubts about the treatment. Therefore it is clear that the applicant did not inform the department or Railway Hospital about the continued treatment in April & May



2011 after the first round on 15th March and 16th March 2011 on the basis of reference dated 04/03/2011 i.e. Annexure-A/3. However as the respondents have already reimbursed the cost of the first injection (which is Rs. 44781/-) plus some small costing medicine and the remaining expenditure also is mainly on two further same injections in the months of April & May 2011, taking a empathetic view, especially as the applicant is a pensioner, and deeming the treatment to be in continuity, it is considered appropriate and just to direct the respondents to reimburse the remaining amount of Rs. 92726/- as per prescribed rules and procedures within a period of four months from the date of receipt of a copy of this order. The applicant also at the same time is cautioned to follow the laid down procedures and systems in letter and spirit and not to involve the respondents in avoidable litigation.

5. No orders as to costs.


(Meenakshi Hooja)
Administrative Member