

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00565/2014

(Order Reserved on 25.02.2016)

DATE OF ORDER: 09.03.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Nirmal Kumar Jain S/o late Shri Phool Chand Jain, aged about 66 years, R/o Shahpura District Bhilwara (Rajasthan) and at present at 626, Mahaveer Nagar, Tonk Road, Jaipur and retired on 30/04/2008 from the post of Senior Telecom Operating Assistant (P), Shahpura (Bhilwara).

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Bharat Sanchar Nigam Limited through Chairman cum Managing Director, Corporate Office, Statesman's House, Barakhambha Road, New Delhi.
2. Principal Chief General Manager Telecom, Rajasthan Circle, Sardar Patel Marg, Jaipur-302007.
3. General Manager Telecom, Telecom District (BSNL), Bhilwara.

...Respondents

Mr. Sudeep Mathur, proxy counsel for
Mr. Inderjeet Singh, counsel for respondents.

ORDER

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “(i) That the respondents be directed to entertain the medical claim of the applicant and to release payment Rs. 1,56,872.95 towards medical reimbursement along with interest @ 12% p.a. from October, 2013 till payment by quashing letters dated 02.06.2014 (Annexure A/1) with the letter dated 18/03/2014 (Annexure A/10).
- (ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iii) That the costs of this application may be awarded.”

2. When the matter came up for hearing on 25.02.2016, counsel for the applicant submitted that the main issue in this O.A. is regarding rejection of medical claim of the applicant merely on a technical ground that his MRS medical card was not renewed during the period he fell ill and took treatment in local hospital at Bhilwara and thereafter in Fortis Hospital at Jaipur. In this context, counsel for applicant contended that the applicant retired from BSNL on 30th April, 2008 and became a member of Medical Reimbursement Scheme of BSNL, and his MRS card (Annexure A/2) was renewed upto 31.03.2011. Somehow the applicant could not get his MRS card renewed further though he continued to receive all retirement benefits from BSNL. In the year 2013, the applicant suddenly fell ill and was admitted in a local hospital at Shahpura, later he was referred to District Hospital at Bhilwara on 07.08.2013 and thereafter as his condition was not good, family members decided to shift him to higher centre at Fortis Escort Hospital at Jaipur on 10.08.2013 where he received treatment as indoor patient and was discharged by certificate dated 25.08.2013 as at Annexure A/6. He submitted a medical bill claiming a sum of Rs. 1,56,872.95 (Annexure A/7) but the same was rejected by Annexure A/10 letter dated 18.03.2014 & Annexure A/1 letter dated 02.06.2014 on the ground that at that relevant time his MRS card was not renewed/revalidated. Counsel for applicant contended that vide Annexure A/4 dated 13.08.2013 even an authorization letter was issued mentioning that applicant may be admitted in Fortis Escorts Hospital, Jaipur as per his entitlement and further BSNL officer visited the applicant at Fortis Escort Hospital, Jaipur on 16.08.2013 which is evident from Annexure A/5 Certificate of Visit of BSNL Officer dated 16.08.2013. The applicant has got his MRS card renewed thereafter also. Counsel for

applicant contended that merely on this technical ground of non-renewal of MRS card for a short period, he should not be denied his medical reimbursement because he continues to be a BSNL retired employee and even authorization letter and certificate of visit of BSNL officer were issued. Thus, counsel for applicant prayed for the Original Application be allowed and the medical reimbursement claim of Rs. 1,56,872.95 be made by the respondents.

3. Per contra, counsel for respondents contended that the medical reimbursement claim of the applicant has been rightly rejected, as has been brought out in detail in the reply to the OA, and as per policy regarding reimbursement of medical claim for retired employees of BSNL at Annexure A/15. Relevant para 1.3.1 of the said policy reads as follows: -

“1.3.1. Annual verification:

- (i) The medical card issued to the pensioner may be got revalidated every year by the beneficiary in the month of April. For this purpose, a certificate will be given by the pensioner/beneficiary that dependent members whose names were included in the card continue to satisfy the eligibility conditions as per the BSNL MRS.”

Counsel for the respondents further contended that the applicant did not get his MRS card renewed or revalidated and, therefore, his claim for medical reimbursement has rightly been rejected as his claim was not legal and valid as the applicant did not have a revalidated/renewed MRS card at the time of taking the treatment. He therefore prayed for the dismissal of the OA.

4. Considered the aforesaid contentions and perused the record. Though admittedly the applicant failed to get his MRS card revalidated as required in

para 1.3.1 of the policy at Annexure A/15 and did not meet the required legal procedures and formalities but it is also seen that this is only a technical defect and could be said to be a bona-fide lapse on the part of the applicant, who is a retired employee. Further there are no doubts about his illness and treatment taken in local hospital at Shahpura & Bhilwara and thereafter at Fortis Escort Hospital at Jaipur. The authorization letter dated 13.08.2013 at Annexure A/4 and certificate of visit of BSNL officer dated 16.08.2013 at Annexure A/5 substantiate the genuineness of treatment taken by the applicant. It therefore does not appear just and proper to deprive the applicant from his medical reimbursement claim merely on the basis of a technical ground and bona fide lapse.

5. Therefore, in view of the above facts and considering the case of the applicant sympathetically, Annexure A/1 order dated 02.06.2014 and Annexure A/10 order dated 18.03.2014 are set aside. The respondents are directed to settle the claim of the applicant regarding reimbursement of medical bill as at Annexure A/7 for the treatment taken between 10.08.2013 to 25.08.2013 without the fact of non-revalidation of his MRS card for that period coming in the way, as the non-revalidation appears to be a technical lapse. Action for examining and making due payments to the applicant may be taken by the respondents at the earliest, but in any case within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, the Original Application is disposed of with the above observations and directions with no order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER