

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 29.07.2004

Original Application No.335/2003.

Rajesh Kumar Hajela S/o Late Shri Jagdish Swarup Hajela, aged about 63 years, r/o 140, Pratap Nagar, Khatipura Road, Jaipur.

Applicant.

v e r s u s

1. Union of India through General Manager Western Railway, Churchgate, Mumbai.
2. Chief Medical Director, Western Railway, Churchgate, Station Building, Mumbai.
3. Union of India, General Manager, North Western Zone, North-Western Railway, Jaipur 302 006.
4. Chief Medical Director, North Western Railway, Office of General Manager, North Western Zone, North Western Railway, Jaipur 302 006.
5. Divisional Railway Manager, North Western Railway, Jaipur Division, Jaipur 302 006.

... Respondents.

Mr. C. B. Sharma counsel for the applicant.
Mr. R. G. Gupta counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

"(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.41,139.50 towards medical reimbursement along with interest @18% p.a. from January, 2002 till payment by quashing letter dated -/6/2002 (Annexure A-1).

(ii) That the respondents be further directed not to deduct any amount authorised by the Government Hospital.

(iii) 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.

(iv) That the costs of this application may be awarded."

2. The facts of the case are that the applicant who has retired from Railway department, met with an accident in which one leg was amputated besides other multiple injuries of fracture in left leg, shoulder and right thigh and applicant suffered 60% permanent disability in right lower limb as per Medical Board Certificate issued on 25.11.2001. On account of this accident, the applicant remained admitted in SMS Hospital w.e.f. 03.03.2001 to 19.04.2001. The copies of discharge ticket and medical board certificates dated 25.11.2001 have been annexed by the applicant with this OA as Annexure A/4 & A/5. After the discharge on 19.04.2001, the applicant took treatment from time to time from the Doctors of SMS Hospital as per their direction and remained in their contact upto 30.07.2001.

2.1 It is further case of the applicant that he has submitted medical bills of amounting Rs.41,139.50 duly counter signed by the Doctors of SMS Hospital for reimbursement before respondent No.5 in October 2001 and since than bills have not been passed by the Railway administration and nothing has been informed to the applicant except some internal correspondence between the authorities.

2.2 It is the further case of the applicant that he had made repeated representations to the authorities but no payment on account of expanses incurred by him for medical treatment was reimbursed to him. Accordingly, he has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. Respondents have filed reply. The fact

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that the applicant remained indoor patient from 03.03.2001 to 19.04.2001 in SMS Hospital and received treatment has not been disputed. It is further stated that the medical expanses incurred by him in that connection were paid to the applicant vide payment order No. 717113 dated 11.3.2003 in the sum of Rs.32,185/-. However, the respondents have denied the payment of sum of Rs.8956/- on account of medical expanses which the applicant incurred on account of his treatment after discharged from the SMS Hospital. The stand of the respondents is that he could have undergone treatment as outdoor patient only after he was duly referred and authorised by the respondents. It is on this basis that the remaining amount of Rs.8956/- has not been paid to the applicant.

4. The applicant has filed rejoinder thereby reiterating that he is entitled for the payment of Rs.8956/- because the respondents unnecessary disallow the same without extending any opportunity and without any information with the reasons. In rejoinder, the applicant has further reiterated that as per Annexure A/5 total disability of the applicant has ^{been} shown as 72.48%. It is further stated that in accident the applicant has lost half-right leg below knee and the same is in the knowledge of the respondents. Inspite of these facts respondents are not allowing the actual payment of medical bills.

5. I have heard the learned counsel for the parties and gone through the material placed on record. The fact that the applicant has sustained injury in an accident and he remained admitted in the SMS Hospital has not been denied. In fact the respondents have also made payment in respect of medical claims of the applicant while he remained admitted in the Hospital. However, the dispute now survives in respect of the treatment which the applicant has undergone as outdoor patient after his ~~discharge~~ from the SMS Hospital. The amount of expenditure which the applicant has incurred as outdoor patient is Rs.8956/-. The only ground on

[Signature]

which this payment has not been made to the applicant by the respondents is that he has not sought necessary permission from the Railway department which was necessary and according to respondents all facilities were available in the Railway Hospital. For that purpose learned counsel for the respondents has placed reliance on IRMM 2000 Sub Clause ^{by whom} (1) 648. I have gone through the provisions ~~so~~ relied upon by the learned counsel for the respondents. This relates to the payment of medical expanses to the Railway employee when he was admitted in the Hospital other than Railway Hospital under emergent circumstances. Regarding this aspect there is no dispute and in fact the railway authority relying on the aforesaid provisions has made payment to the applicant. No other provision has been brought to my notice which debar the Railway employee from the legitimate claim which he has incurred on account of medical expanses as outdoor patient. Anyhow, the facts remains that the applicant has sustained serious injuries which can be seen from the certificate issued by Medical Board, Annexure A/5, and the applicant was necessarily to undergo further treatment on account of sustaining such injuries. It is not the case of the respondents that the amount of Rs.8956/- as claimed by the applicant as expanses incurred by him as outdoor patient is on higher side as compared to the expanses which he would have incurred, in case he would have taken further treatment from Railway Hospital. As already stated above, there cannot be any dispute that the applicant has to undergo further treatment in view of severe injuries which he has received in the accident.

6. Under these circumstances, I am of the view that it was not justified for the railway authorities to withheld the meagre sum of Rs.8956/- which the applicant has incurred on his treatment as outdoor patient simply on technical ground that the applicant should have sought formal reference from the railway authorities or he should have taken treatment from the Railway Hospital. Accordingly the OA is allowed. The *le*

respondents are directed to make payment of sum of Rs.8956/- to the applicant within a period of two months from the date of receipt of a copy of this order. In case the payment is not made within the said period, the applicant shall be entitled for the interest at the rate of 8% p.a. thereafter till the actual payment is made.



(M. L. CHAUHAN)

MEMBER (J)