

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 638 of 2004

Jabalpur, this the 4th day of January, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Vijay Kumar Singh, S/o. Shri
R.C. Singh, aged about 54 years,
R/o. House No. 51, Shiv Nagar,
Garha, Jabalpur.

.... Applicant

(By Advocate – Shri Rajneesh Gupta)

V e r s u s

1. Union of India, through
Secretary, Ministry of Defence,
New Delhi.
2. Ordnance Factory Board, through
its Chairman, 10-A, S.K. Bose Road,
Kolkata.
3. Senior General Manager, Gun
Carriage Factory, Jabalpur.
4. Senior Controller of Accounts,
10-A, S.K. Bose Road, Kolkata.
5. Works Manager/Admn., Gun
Carriage Factory, GCF,
Jabalpur (MP).

.... Respondents

(By Advocate – Shri Manish Chourasia)

O R D E R

By filing this Original Application the applicant has claimed the following main relief :

“(ii) to direct the respondents to make payment of the applicant's medical bills (Annexure A-2) with exemplary interest from the date they are due till the date of payment.”



2. The brief facts of the case are that the applicant was working as a Store Keeper in Gun Carriage Factory, Jabalpur. Due to adamant behaviour of the respondents the applicant was placed under suspension without sufficient grounds on 24.3.1992. As per the rules the applicant is entitled for reimbursement of the medical bills and expenses incurred on medical treatment of himself and his family. Accordingly, he submitted medical bills approved by Dr. A.N. Gupta who is a Child Specialist in Victoria Hospital, Jabalpur. The respondents vide letter dated 12th April, 2004 (Annexure A-3) informed the applicant that the said claim cannot be passed as they have been approved by the Child specialist of a District Hospital and not by the competent authority and also raised objection and suspicion with regard to the claim submitted by the applicant. In pursuance to the letter dated 12th April, 2004 the applicant was sought by the respondents to furnish the required documents so that the claim of the applicant can be forwarded to the competent authorities. The applicant complying with the directions issued by the respondents once again resubmitted the medical bills along with explanation that CS(MA) rules are applicable to the reimbursement of the medical expenses and according to which all the Government Doctors who are working in Government hospitals are to be treated as authorized medical attendants and doctors who are practicing privately may also be treated as authorized medical attendants if they have been appointed by the CGEWCG. Victoria Hospital is a Government hospital hence all the doctors working in it are authorized medical attendants for the purpose of approving the medical bills. The applicant has enclosed a certificate issued by the District Hospital, wherein it is certified by the Civil Surgeon that Dr. A.N. Gupta, Child Specialist, Government Victoria Hospital, Jabalpur is authorized Medical Attendant for Central Government servants and their family members at consulting room for private practice in his consulting room as he is not in receipt of non-practicing allowance. But still the respondents are not paying/reimbursing the medical expenses and further more the respondents vide letter dated 27.7.2004 informed the applicant that since the requisite information is not being given by the applicant,

with regard to the list of authorized doctors, the medical bills are returned. The applicant furnished all the informations to the respondents. The State Government vide letter dated 11/13th January, 1999 has released ban over the private practice of the doctors working in the government hospitals. Being aggrieved by the inaction on the part of the respondents this Original Application is filed.

3. Heard the learned counsel for both the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the applicant had submitted the medical bills issued by Dr. A.N. Gupta, Child Specialist of the Government Hospital i.e. Victoria Hospital, Jabalpur. He has drawn my attention towards Annexure A-7 dated 23.8.2003 issued by the Civil Surgeon of the Victoria Hospital, Jabalpur in which it is mentioned that Dr. A.N. Gupta, Child Specialist, Government Victoria Hospital, Jabalpur is an authorized Medical attendant for Central Government servants and their family members at consulting room for private practice in his consulting room and he is not in receipt of non-practicing allowance. The applicant has filed an affidavit dated 24.12.2004 and argued that Dr. A.N. Gupta is legally authorized medical attendant according to the annexure enclosed with this affidavit. He is a State Government doctor and according to the rules the respondents are bound to reimburse the whole medical expenses incurred by the applicant while they are adamant not to pay it.

5. In reply the learned counsel for the respondents argued that the annexure filed with the affidavit of the applicant shows that Dr. A.N. Gupta is not legally an authorized medical attendant as in this annexure it is clearly mentioned that this document applies to those areas, where doctors are not available. He further argued that during the long period of his suspension, he has been submitting medical claims which were duly processed by the respondents. However, as per the CS(MA) rules, it is the duty of the controlling officer to verify the contents, as well as the



veracity of the claims before forwarding it to the audit authorities. It was noticed by the audit authorities, while submitting the claim of the applicant, that the reimbursement of the medical claim does not fall under the purview of the CS(MA) rules. Accordingly it was rejected. He also argued that in Section 2(A) of the Medical Attendance Rules, it is clearly provided that no medical officer under the employ of a State Government or the Administrator of a Union Territory shall be appointed as an Authorized Medical Attendant except after consultation with that Government or the Administrator of that Union Territory. In the instant case the applicant who has been availing medical treatment from Dr. A.N. Gupta is an employee of the State Government and has not been authorized as an Authorized Medical Attendant in consultation with the Government of India. Hence, the medical claim raised by the applicant is not under the purview of CS(MA) rules. The respondents have filed an affidavit on 21.12.2004 and they have filed Annexure R-4 and Annexure R-5 with this affidavit giving the details of the doctors who are duly authorized by the respondents. Hence, according to the rules, the applicant is not entitled for the reliefs claimed and this OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that in compliance with the order dated 14.12.2004 the respondents have filed an affidavit dated 21.12.2004 together with Annexure R-4 and Annexure R-5. According to Section 2(A) of the Medical Attendance Rules it is provided as under :

“(A) in respect of any Government servant or any Group or Groups of Government servants in any station, a Medical Officer, whether or not under the employ of the Central Government, appointed by –

(i) the Department of Health of the Government of India, where such persons are under the employ of that Department, or

(ii) any other Department of the Government of India, in relation to persons under the employ of that Department, or



(iii) any authority which is declared by the President, under sub-rule (10) of Rule 2 of the Supplementary rules, to be the Head of a Department, in relation to persons under the employ of that authority, or

(iv) the Chairman of the Central Government Employees' Welfare Co-ordination Committee at stations where such Committees are functioning, in relation to the Central Government employees at that station :

Provided that no Medical Officer under the employ of a State Government or the Administrator of a Union Territory shall be appointed as an Authorized Medical Attendant except after consultation with that Government or the Administrator of that Union Territory;"

The respondents have deposed in the affidavit that Dr. A.N. Gupta was not an authorized medical attendant for the employees of the Gun Carriage Factory as he was not authorized by the Head of the Department of Gun Carriage Factory, Jabalpur as AMA for employees of GCF as required under the provisions of Government of India, Ministry of Health and Family Welfare OM dated 28.5.1982 and C&AG circular dated 10.8.1990. We have perused the certificate issued by the Civil Surgeon of the Victoria Hospital, Jabalpur by which Dr. A.N. Gupta is said to be an Authorized Medical Attendant for Central Government employees and their family members. This seems to be not sufficient in view of Section 2(A) of the Medical Attendance Rules. The document annexed with the affidavit of the applicant also ^{does not} do not support the claim of the applicant.

7. Considering all the facts and circumstances of the case, I am of the opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, this Original Application is dismissed. No costs.


(Madan Mohan)
Judicial Member