

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 261 of 2003

Jabalpur, this the 28th day of October, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

B.L. Gajbhiya, S/o Lalmaji
Gajbhaya, aged about 56 years,
Senior Auditor in the office of
P & T Audit Office, Bhopal, R/o.
28/3, Dr. Ambedkar Colony, Old
Subhash Nagar, Bhopal (M.P.)

APPLICANT

(By Advocate - Shri Deepak Panjwani)

VERSUS

1. Controller and Auditor General
of India, New Delhi.
2. Director, General, of Audit(P&T)
3. Deputy Director of Audit, Delhi.
Post and Telegraph Audit Office,
Sanchar Bhawan(Annexe) B.S.N.L.
Hoshangabad Road, Bhopal (M.P.)

RESPONDENTS.

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

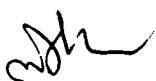
By this application the applicant has sought the following relief :-

1. "By issuance of a writ in the nature of mandamus this Hon'ble Court may be pleased to direct the respondent to accept the claim of the applicant and grant him T.A. & D.A. for his visits to Delhi."
 2. Heard both the learned counsel at some length.
 3. The learned counsel for the applicant has stated that the Gandhi Medical College Hospital had earlier given a certificate to the effect that treatment of Sinus Syndrome was not available in the said hospital and referred the case of the applicant for treatment at G.S. Pant Hospital, New Delhi. Since then the applicant has been getting his treatment at G.B. Pant Hospital and ~~xxxx~~ has also continued to get ^{his} TA / DA for this purpose. According to the learned counsel for the applicant, the respondents have now stopped giving TA/DA to the applicant on the ground ^{that} this treatment facility is available at Bhopal itself. He has stated that no such certificate to this effect has been obtained by the respondents
- mshy*

from Gandhi Medical College. Instead they have approached some other private Hospitals and have obtained the aforesaid certificates. He has also stated that the applicant is suffering from serious heart ailment and he should be permitted to ~~M&S~~ continue ~~to~~ get his treatment from the G.B. Pant Hospital, New Delhi.

3. On the other hand, the learned counsel for the respondents has stated that since the treatment facility of Sinus Syndrome is available in the private hospital, at Bhopal itself which are recognised by the CGHS, the applicant should get his treatment at Bhopal itself and no TA/DA will be given to the applicant. He has drawn our attention to the certificates issued by the Hospitals (copies placed at Annexure-R-3 colly).

4. After taking into consideration the arguments submitted by the learned counsel of parties, we are of the considered view that the applicant should approach the hospitals referred to by the department which have been recognised by the CGHS/CS(MA) Rules. In case, the hospitals at Bhopal give a ^{to the effect} certificate/that the said treatment for the patient is not available at Bhopal and treatment has to be obtained from G.B. Pant Hospital, New Delhi only, the applicant will continue to get his treatment at G.B. Pant Hospital and will also continue to get ^{his} TA/DA. In case above referred hospitals give a certificate to the effect that the treatment of Sinus Syndrome is available at Bhopal, the applicant will not get TA/DA to go to G.B. Pant Hospital Delhi for further treatment. As per the interim order passed on 8.8.03, the respondents were directed to make payment of TA/DA for the said journey as per the rules. According to the learned counsel for the respondents the TA/DA advance has already been paid to the applicant. In case, the amount has been utilised by the applicant




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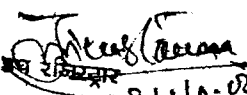
for going to Delhi for taking treatment at G.B. Pant Hospital New Delhi, the same will not be recovered by the respondents. However, this case will not be treated as a precedent in future.

5. The OA is disposed of with the aforesaid directions.
No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

Filed
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31-X-03

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....
य लिखित पत्र जारी किया:-
SKM) (1) सचिव, जबलपुर न्यायाधीश, जबलपुर
(2) आदेशों की प्रतिलिपि, जबलपुर न्यायाधीश, जबलपुर
(3) प्रत्यक्षी की प्रतिलिपि/..... के कार्यालय
(4) कार्यवाही, जबलपुर, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्रवाई हेतु

31.10.03

Shri Deepak Panjwani Adv.
JBP.
Shri P. Shankaran Adv. JBP.