

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 528 of 2003

Jabalpur, this the 17th day of June, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

P.I. James S/o Shri P.J. Isaac  
aged about 42 years, working as SFA  
(Armr) Central Storage Depot &  
workshop Ministry of Home Affairs  
Bhadhada Road Bhopal (M.P.)

APPLICANT

(By Advocate - Vandna Shrivastava on behalf of Shri K.S. Wadhwa)

Versus

1. Union of India  
through the Joint Secretary,  
Ministry of Home Affairs,  
R.K.K.M. New Delhi-110066.

2. The Director General Special Services  
Bureau, Govt. of India, Ministry  
of Home Affairs, East Block-V,  
R.K. Puram, New Delhi-110066

3. The Commandant,  
Central Storage Depot & Workshop  
Bhadhada Road Bhopal.

RESPONDENTS

(By Advocate - Shri Gopi Chourasia on behalf of  
Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the  
following main reliefs :-

"i) to quash the Memorandum dated 11.6.2002 Annex.A-2.

ii) to direct the respondents to reimburse the M.R.Bills  
submitted by the applicant pertaining to his wife and  
daughter.

iii) to hold that the applicant has got his daughter  
treated through medical officer of the Unit as per his  
advise she was referred to the Govt. Hospital and was  
treated by the authorised medical attendant Dr.S.S.  
Velury, M.S. (Paed)".

*[Signature]*

2. The brief facts of the case are that the daughter of the applicant was sick on 31.5.2001. He had consulted the Unit Medical Officer for his daughter's treatment, who treated her for 4 days and subsequently referred her to the Govt. Hospital. The applicant took her daughter for treatment to the nearest hospital and got her treatment there. He has submitted the bill of Rs. 13,321/- for reimbursement. Since the respondents have not reimbursed the aforesaid amount of Medical bill, he has filed this OA.

3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant has submitted that the applicant's daughter was seriously ill and therefore, the applicant took her for treatment in a nearby hospital which happened to be a private hospital. Her daughter had taken the treatment there and he submitted the <sup>medical reimbursement</sup> bill. As per Rules it is within the discretion of the controlling officer to reimburse the amount. He has, therefore, submitted that the respondents may be directed ~~xxxxxxxxxxxxxx~~ to reimburse the amount which has been spent by him for treatment of her daughter.

5. On the other hand, the learned counsel for the respondents stated that the applicant is in the habit of mis-using the medical facility and normally does not consult the medical officer before taking the treatment. In the present case the applicant did not follow the prescribed procedure and took treatment from the private hospital which was not recognised by the Govt. of India prior to 30.8.01. Hence medical reimbursement claim is not legitimate and the same cannot be sanctioned and reimbursed.

6. We have given careful consideration to the contentions made by the parties and we find that the applicant's daughter fell ill and the applicant consulted ~~with~~ the Authorised Medical Attendant who referred his daughter to Govt. hospital. The

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applicant instead of taking her daughter to Govt. hospital took her to Pvt. hospital i.e. Hajela Hospital on 8.6.2001. The said hospital has been recognised by the Govt. of India for treatment of Central Govt. Employees only after 30.8.01. But at that time, when the applicant's daughter was treated it was not a recognised hospital. Hence as per Rules, the applicant is not entitled for reimbursement of the expenditure incurred by him for medical treatment of her daughter. However, if the controlling authority feels satisfied that the amount spent by the applicant in the Pvt. hospital can be reimbursed to him, it can exercise its discretion in sanctioning the payment. But the said discretion has not been exercised, in the present case, by the respondents, as according to them the applicant's daughter had to be taken to Govt. recognised hospital but she was taken to Hajela hospital which is a private hospital and it was not a case of emergency. Moreover, according to the respondents the applicant is in the habit of misusing the medical facilities, therefore, they have not exercised their discretion in favour of the applicant.

7. For the reasons recorded above, the OA is bereft of merits and is accordingly dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

SKM

प्रृष्ठांकन द्वारा/द्वारा..... जवलपुर, दि.....  
प्रतिलिपि द्वारा दिरात:-  
(1) सचिव, उच्च न्यायालय, एवं उच्च न्यायालय, जवलपुर  
के काउंसल K S Wadhwa  
(2) असेक्टर न्यायालय, के काउंसल S A Dharma Dhikun  
(3) प्रत्यक्षी दी/द्वारा.....  
(4) व्यापाल, राजदरबार, जवलपुर न्यायालय  
सूचिता एवं उच्च न्यायालय कार्यालयी देतु

21-7-04  
उप रजिस्ट्रार

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