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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.163 of 2001

Jabalpur, this the 7th day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

S.K. Mukherjee S/o late N.N. Mukhopadhyaya,
Retd. Assistant Foreman, Gun Carriage
Factory, Personal No. 816456, aged about
57 years, R/o Haise No. 393, Kanchghar,
Jabalpur, M.P.

-APPLICANT

(By Advocate- None)

Versus

1. Union of India through the
Secretary, Min. of Defence,
Dept. of Defence, Production &
Supply, New Delhi.
2. The Chief Controller of Accounts,
Office of the Chief Controller of Accounts,
10/A (Auckland Road) Shaheed Kudhiram
Bose Road, Calcutta, West Bengal.
3. The Chairman, Ordnance Factory Board,
10/A, Shaheed Kshdiram Bose Road,
Calcutta, West Bengal.
4. The General Manager,
Gun Carriage Factory, Jabalpur, M.P.

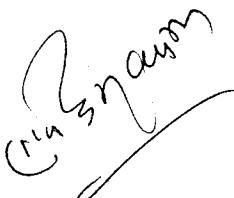
-RESPONDENTS

(By Advocate- Mr. P. Shankaran for
Mr. S. A. Dharmadhikari)

ORDER

The applicant has filed this O.A. claiming re-
imbursement of actual medical expenses for his treatment
at Apollo Hospital, Chennai.

2. No one was present on behalf of the applicant, even
at the time of second call. Therefore, this O.A. is being
disposed of after hearing the learned counsel of the
respondents under Rule 15(1) of the CAT (Procedure) Rules,
1987 on the basis of material available on record. It is
noticed that no one was present, even on earlier date
of hearing fixed on 26.8.2002.



3. It is stated by the applicant that he was employed as Assistant Foreman in Gun Carriage Factory, Jabalpur at the relevant time. The applicant claims that he was suffering from heart disease while in service. In the month of March, 1998 he had to be admitted in the Gun Carriage Factory Hospital, Jabalpur for heart problem from where he was transferred to Military Hospital, Jabalpur on 3.3.1998. This Factory Hospital had referred the case to the Medical College Hospital, Jabalpur from where he was sent for Coronary & Angiography treatment/management at Apollo Medical College, Chennai as per reference certificate dated 19.3.1998 (Annexure A/4). Since the treatment was not available in the State of Madhya Pradesh, the Principal Medical Officer vide his letter dated 26.3.1998 (Annexure A/5) had sought permission of the Director of Medical Education, Government of Madhya Pradesh so that the applicant could be referred to the Apollo Hospital, Chennai as per advice of Medical College, Jabalpur. This permission was accorded as per order dated 8.5.1998 (Annexure A/6) with the stipulation that the reimbursement will be limited as per admissibility under State/Civil Services (Medical Attendance) Rule, 1958 as amended from time to time. Subsequently, the applicant was admitted in Apollo Hospital on 28.4.1998 and discharged on 12.5.1998 as per Discharge Summary (Annexure A/7). It is stated by the applicant that he incurred an expenditure of Rs.1,66,830/- as per receipts. Since the applicant had received an advance of Rs.99,000/-, he was paid only Rs.5,550/- An amount of Rs.62,280/- ^{this} ~~ur~~ has been disallowed, and the applicant has filed application for a direction to the respondents to allow the same.

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4. The learned counsel of the respondents invited attention to the reply filed, in which it has been stated that the applicant was paid an advance of Rs.12,000/- to meet the expenses for coronary angiography. Subsequently, the applicant submitted the final reimbursement claim, which was admitted as per scheduled rates under CS(MA) Rules. He was given advance of Rs.99,000/- on 24.4.1998 as per rules on completion of the treatment. The final medical reimbursement claim was submitted by the applicant for Rs.1,66,830/-, but the Audit Authorities passed the bill of an amount of Rs. 1,04,550/- as per the package rates admissible under CS(MA) Rules and disallowed the amount of Rs.62,280/- and balance amount of Rs.5,550/- was paid to the applicant after disallowance. It is claimed by the respondents that the applicant has been paid as per admissible package rates on 22.4.1998 circulated vide Ministry of Defence letter dated 9.9.1998 (Annexure R/1). The learned counsel further invited attention to MA No.1117/2002 (a copy of which has been received by the applicant on 6.8.2002) by which the respondents have submitted orders of this Tribunal in OA No.316 of 2001 dated 21.5.2002 in the case of J.B.Mitra vs. Union of India & Ors. They have also filed copies of other orders of this Tribunal in OA No.1610/1998 dated 9.2.2001 in the case of Santosh Kumar Singh Vs. Union of India & Ors., where the Principal Bench relying on the decision of Hon'ble Supreme Court in the case of State of Punjab Vs. Ram Lubhaya Bagga, 1998 (2) SLJ 35 have held that the payment as per package rates of the Government only can be admissible to the Government servants governed by CS(MA) Rules.

5. After hearing the learned counsel of the respondents, and after perusal of the material available on record, it



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is felt that there is no scope for any interference. So far as this O.A. is concerned, the respondents have made payment in accordance with the package rates of the Government. Therefore, any excess payment made by the applicant is not admissible to him. In this view of the matter, this application being devoid of any merits is dismissed without any order as to costs.

C. K. Upadhyaya

(R.K.Upadhyaya)
Member (Admnv.)

'MA'

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प्रांतकान सं. ओ/ला.....जलपुर. दि.....

प्रांतिलिपि अद्वे

- (1) विधायक विभाग, जलपुर
- (2) विधायक विभाग, जलपुर
- (3) विधायक विभाग, जलपुर
- (4) विधायक विभाग, जलपुर

सूचना एवं आवश्यक कार्रवाई के
उपराजित दिनांक

R. Datta - Adv
S. P. Karimadiha - Adv

Filed (Recd)
10/11/03

*Issued
on 10.1.03
by*