

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A.No.239/2001

Hon'ble Sh. Sarweshwar Jha, Member (A)
Hon'ble Sh. Bharat Bhushan, Member (J)

Jabalpur, this the 12th day of November, 2003

G.R.Bundelkhandi
s/o Sh. Ramdas
Bundelkhandi
A.B.S.
Station Management Office
Itarsi, Distt. Hoshangabad (MP). .. Applicant

(By Advocate: Sh. R.L.Gupta, through Sh.R.N.Mishra)

Versus

1. Union of India through
Secretary
Ministry of Railway
Govt. of India
New Delhi.
2. Divisional Railway Manager
Central Railway
Bhopal (MP).
3. Chief Medical Superintendent
Central Railway
Bhopal
through D.R.M.Bhopal.
4. Medical Superintendent
Central Railway
Itarsi, Distt.
Hoshangabad (MP). .. Respondents

(By Advocate: Sh. H.B.Shrivastava)

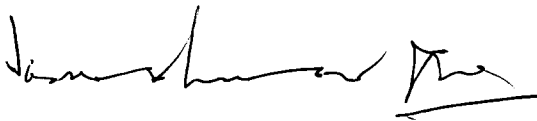
O R D E R (Oral)

By Sh. Sarweshwar Jha, Member (A):

Hears the learned counsel of both the
sides.

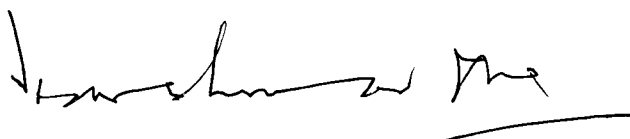
2. It is observed that the applicant has a
Being under treatment at Bhopal
very long history of sickness. /he had been
referred by the Department to the hospitals
at Mumbai initially. After having been through
treatment at Mumbai on the recommendations of the

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Railway doctors he was referred for treatment at Railway Hospital, Parambур(Madras) by which time he had already suffered two heart attacks. It is further observed that he did receive treatment at the Railway Hospital, Parambур. It is further observed that Respondent No.3 had directed the applicant to take treatment at Madras in the year 2000 vide his letter dated 13.6.2000. While the applicant seems to have made preparations for visiting Madras (Parambур) and had been given necessary facilities by the respondents, it is observed from his submission that on his way to Parambур he developed greater seriousness and the applicant had to be taken to Appollo Hospital in Madras on 28.6.2000. The said Hospital also appears to have called for necessary information regarding the previous treatment obtained by the applicant at Railway Hospital in Parambур. It is further observed that the Hospital at Parambур gave the necessary assistance including cassette of angiography done on the applicant and, on the basis of the same, further surgery was carried out on the applicant in Appollo Hospital on 16.10.2000. The applicant has, accordingly, submitted the bills of expenses on his treatment amounting to Rs.3,39,136/- for reimbursement by the respondents. He seems to have submitted the reasons and the justification for having treatment at Appollo Hospital.

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It is also observed that the applicant has submitted that he had to take loan from the market to be able to meet the expenditure on his treatment at the said Hospital.

3. The respondents have, in their reply, maintained that the applicant could have received treatment at Railway Hospital, Perambur which is also situated within Madras (Chennai) itself. They have taken a position that the applicant has availed treatment in private hospital without consent ~~xxxxxx~~ of the respondents or Authorised Medical Attendant. They have also said that the applicant has submitted his claims for medical reimbursement after six months. Under these circumstances, they are of the view that they have rightly rejected the claim of the applicant.

4. We have considered the submissions of the applicant as well as reply filed by the respondents. It is observed that the applicant had been receiving treatment from the Railway Hospital and hospitals at Mumbai on reference/directions given by the Railway medical authorities.

5. It is also observed that it was only on the directions of the respondents that he proceeded to Madras to receive further treatment after having suffered heart attacks. He did, however,

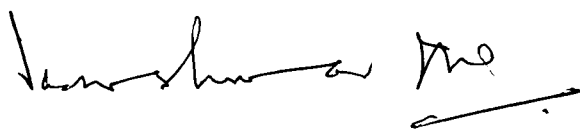


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go to Appollo Hospital after reaching Madras instead of going to Perambur Hospital and to that extent he appears to have not proceeded in accordance with the instructions on the subject. The reasons given by him cannot be verified by the respondents or by us. The seriousness or the condition of the applicant which compelled him to go to Appollo Hospital could be properly looked into by the Doctors themselves. It is also not clear from the submissions of the respondents as to whether they have majorly rejected the case on the ground that this had been submitted to them after six months of having treatment at Appollo Hospital and not on account of the fact that he had received the treatment from a private hospital without the approval of the Authorised Medical Attendant, though they have not come out with this reason while rejecting the case of the applicant.

6. Under these circumstances and keeping in view the facts and the materials as available on record and after hearing the learned counsel of both the sides, we are, therefore, of the view that proper course would be to refer the matter to the respondents to reconsider the matter keeping in view the extant instructions on the subject and also after consulting the nodal authorities on the subject, i.e., the Ministry of Health and Family Welfare, Govt. of India. They are also directed to look into the seriousness aspect of the applicant as reported by him as the reason for his having gone to Appollo Hospital, Madras. While considering and disposing of his case, while the respondents may keep the above in their view, they may also keep in view whether Appollo Hospital is one of the hospitals where the Central

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Government employees can receive treatment under
and
certain conditions/whether the case of the applicant
can be considered with reference to those conditions.

7. With this, this OA stands disposed of in terms
of the above directions. The respondents are also
further directed to dispose of the matter within
a period of three months from the date of
receipt of a copy of this order. No costs.

(BHARAT BHUSHAN)
MEMBER (J)

(SARWESHAR JHA)
MEMBER (A)

पृष्ठांकन सं ओ/व्या..... दि.....

पतिलिपि अर्पित

- (1) सचिव, उच्च न्यायालय
- (2) आदेशदाता
- (3) प्रवर्तक, उच्च न्यायालय के कार्यालय
- (4) कोर्ट, उच्च न्यायालय के कार्यालय

सूचना एवं जागरूकता के लिए

Shiv Kumar
17.11.03

Final
17.11.03