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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.710 of 2000

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

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

Gulab Singh S/o Shri Biren Singh,  
aged about 50 years, Highly Skilled  
Gr.II. Trade: Rigger, T.No.4966/11770/  
M.M., Basic Pay: Rs.4200, Gun Carriage  
Factory, JBP, R/o H.No.1525/26/B-10,  
Sandariya Nagar, Kanchghar, Jabalpur, MP.

-APPLICANT

(By Advocate- None)

Versus

1. Union of India, the Secretary,  
Ministry Defence, New Delhi.

2. The General Manager,  
Gun Carriage Factory,  
Jabalpur, M.P.

-RESPONDENTS

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

ORDER

This application has been filed seeking direction to the respondents to pay actual <sup>medical</sup> expenses incurred by the applicant.

2. Nobody was present on behalf of the applicant even at the second call, and even on 26.8.2002 none was present for the applicant. Therefore, this application is being disposed of with the assistance of the learned counsel of the respondents under Rule 15 (1) of the CAT (Procedure) Rules, 1987.

3. It is claimed by the applicant that he is an employee of the Gun Carriage Factory, Jabalpur. While serving in this organisation, the applicant was suffering from heart disease and was admitted to the Satpullah

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Hospital in the month of October, 1999. The applicant was referred to the Specialised<sup>treatment</sup> at Military Hospital, Jabalpur, and thereafter to the Netaji Subhash Chandra Medical College, Jabalpur for further treatment. In view of the seriousness of the case, the Medical College, Jabalpur referred the applicant for further treatment to the Apollo Hospital, New Delhi, as the required treatment was not available in Madhya Pradesh. The applicant was sent for initial test, which was done on 22.11.1999 for which payment was made by the respondents. For further treatment, the applicant was admitted on 10.1.2000 and discharged on 20.1.2000. An amount of Rs.1,35,504=03 was paid by the applicant as per bills. On making the claim for reimbursement, the applicant has been sanctioned only Rs.99,000/-, whereas the actual expenditure was of Rs.1,35,504/- excluding the expenses already paid to the applicant. The claim of the applicant is that he should have been paid the entire expenses of treatment.

4. The respondents have filed reply stating therein that the applicant was initially sanctioned advance of Rs.80,190/- and after treatment the applicant had submitted a claim of Rs.1,36,144/-. This claim has been passed for only Rs.18,810/- after adjustment of the advance as admissible under Central Services (Medical Attendance) Rules, 1944 and other existing Government orders in this regard. The respondents have also stated that the applicant gave an undertaking that he will himself bear the treatment expenses in excess of the package rates as fixed by the Government of India. According to the respondents, the applicant is not eligible for full reimbursement, but his claim is to be restricted to the cost of treatment subject

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to the limits prescribed from time to time. The respondents by M.A.No.1116/2002 have placed certain judgments on the record on the basis of which, they had requested for dismissal of this O.A. In OA No.503/2001 dated 6.3.2002 relying on Supreme Court decision in the case of State of Punjab Vs. Ram Lubhaya Bagga, 1998 (2) SLJ 335 and Principal Bench decision in the case of Santosh Kumar Singh Vs. Union of India (OA No.1610/98), it has been urged that the applicant was only entitled for the maximum reimbursement as envisaged under the rules.

5. After hearing the learned counsel of the respondents and after perusal of the records, no interference is called for. The applicant has been paid as per package rates admissible to him and such payment has been upheld by the Supreme Court. The payment having been made in accordance with the existing instructions on the subject, no relief can be granted to the applicant on the facts of this case. In the reply, the respondents have stated that the reimbursement has been made on the basis of OM dated 22.4.1998. However, the expenses on treatment have been incurred by the applicant during the period initially on 22.11.1999 and subsequently in January, 2000. It appears that the package rates have been revised from time to time. Therefore, the respondents are directed to reconsider the claim of the applicant in accordance with the revised package rates as admissible to the applicant on the date of treatment. If any further amount becomes payable to the applicant on account of revision of package rates, the same may be paid within a period of three months from the date of receipt of copy

*(Handwritten signature)*

