

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 862 of 2000

Jabalpur, this the 22nd day of August, 2003.

Hon'ble Mr. D. C. Verma, Vice Chairman(Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Smt. Nazneen Khan,  
Aged about 51 years,  
89, Iqbal Nagar Colony,  
Ashok Garden,  
Bhopal.

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

1. Union of India,  
Though Secretary,  
Ministry of Home Affairs,  
New Delhi.

2. Director,  
Census Operations,  
Office of the Census Operations,  
Madhya Pradesh,  
Ministry of Home Affairs,  
Janganana Bhawan, Jail Road,  
Bhopal

RESPONDENTS

(By Advocate - Shri S. Akhtar holding brief of  
Shri B. Dasilva)

O R D E R (ORAL)

By D.C.Verma, Vice Chairman (Judicial)-

The applicant has claimed reimbursement of Rs.48,297/- spent by the applicant on the treatment of her husband. Interest thereon has also been claimed.

2. The brief facts of the case is that the applicant is employed with the respondents as Assistant Statistician. The applicant's husband was suffering from heart problem as diagnosed by Dr. Yogesh Verma, Professor and Head of Department of Cardiology, Gandhi Medical College, Bhopal. The applicant's husband was referred to (in short 'Mission Hospital') Madras Medical Mission Hospital, Chennai for investigation/ treatment vide letter dated 29.4.1999 (Annexure-A-1).

As the applicant was covered under the Central Government

Health Services Scheme, State Government of Madhya Pradesh vide their letter dated 9.7.1999 (Annexure-A-2) granted the permission. Consequently, the applicant's husband Shri A.R.Khan was admitted in Mission Hospital on 26.9.1999 and underwent operation on 27.9.1999. After treatment he was discharged from the hospital on 5.10.1999. The total expenditure incurred by the applicant came to Rs.1,57,700/- which includes package charges of Rs.1,40,000/- and additional expenditure of Rs.18,700/-. The respondents reimbursed Rs.99,900/- only out of the package charge of Rs.1,40,000 and only Rs.10,503/- out of Rs.18,700/-. The total reimbursement was Rs.1,10,403/- out of total expenditure of Rs.1,58,700/-. Accordingly the present OA has been filed to claim the balance of Rs.48,297/-.

3. The respondents' case is that the claim of the applicant was considered by the appropriate authority but out of the total claim, an amount of Rs.45,900/- said to be blood bank charges and bypass surgery was not allowed. Similarly, the outside consultation charges of Rs.150/-, telephone charges of Rs.57/- were also not allowed. Consequently, out of the total amount of Rs.1,40,000/- Rs.46,107/- was not allowed by the sanctioning authority. Out of the additional expenditure of Rs.18710/- charges for angiography of Rs.13,000/- has been limited to Rs.10,800/- and so the amount of Rs.2,200/- has not been sanctioned.

4. Counsel for the parties have been heard at length. The submission of the learned counsel of the applicant is that as per Rule 6(1) of Medical Attendance Rules the applicant is entitled <sup>to</sup> free

medical treatment and as per Rule 3(1) free of charge medical attendance. So, as per Rules 3(2) and 6(2) any amount paid by the applicant on account of medical attendance and treatment, on production of certificate, has to be reimbursed to the applicant.

5. It is noticed that the applicant has paid the amount claimed by ~~her~~ for and what reasons the amount has been disallowed is not explained in the counter reply of the respondents. Proviso below sub-rule(2) of Rules 3 and 6 of the Medical Attendance Rules are similar and is reproduced below-

"Provided that the controlling officer shall reject any claim if he is not satisfied with the genuineness on facts and circumstances of each case, after giving an opportunity to the claimant of being heard in the matter. While doing so, the controlling officer shall communicate to the claimant the reasons, in brief, for rejecting the claim and the claimant may submit an appeal to the Central Government within a period of forty-five days of the date of receipt of the order rejecting the claim."

6. There is nothing on record to show that while rejecting the claim of the applicant, the applicant was given any opportunity of being heard in the matter. It is also not shown that the controlling officer communicated to the applicant the reasons for rejecting the claim. The claim can be rejected if the genuineness on facts and circumstances of the case on which the applicant has claimed the amount is doubted. The controlling officer has, therefore, without following the procedure laid down, rejected the applicant's claim arbitrarily.

7. Consequently, it is directed that the respondents shall get the matter of the applicant considered as per proviso below sub-rule(2) of Rule 3 and Rule 6 of the Medical Attendance Rules and

*AB*

:: 4 ::

thereafter pass an appropriate order within a period of three months from the date of receipt of a copy of this order. If the amount is found due to the applicant, the same shall be paid to the applicant within the aforesaid period and in case the applicant has any grievance she can approach the Tribunal after exhausting her departmental remedy provided in the rules. The O.A. stands decided as per above. Costs easy.

Signature

(Anand Kumar Bhatt)  
Administrative Member  
rkv.

Signature

(D.C.Verma)  
Vice Chairman(Judicial)

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....  
प्राप्ति काम कर्ता का नाम लिखा—

(1) डॉ. अनंद कुमार भट्ट, जबलपुर K. Nagpal  
S. Kalagni - P.C.C  
(2) डॉ. विजय कुमार, जबलपुर B. dasgupta - P.C.C  
(3) डॉ. विजय कुमार, जबलपुर के काउंसल  
(4) डॉ. विजय कुमार, जबलपुर न्यायाधीत रमेश एवं आदर्शकर कार्यवाही हेतु T. Basanta  
जबलपुर 9.9.03

Isaac  
10/9/03