

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 24th day of July, 2006

ORIGINAL APPLICATION No 151/2005

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

S.N.Gupta,
s/o Sh. Hiralal Gupta,
aged 72 years,
r/o 131-A,
Pratap Nagar,
Khatipura,
Jaipur.

.. Applicant

(By Advocate: Mr. Amod Kasliwal)

Versus

1. Union of India through Secretary,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhawan,
New Delhi.
2. The Director, C.G.H.S.
Room No.425, Nirman Bhawan,
New Delhi.
3. The Additional Director, C.G.H.S.
Radha Krishan Hotel Premises,
Opp. Jaipur Railway Station,
Station Road,
Jaipur.

.. Respondents

(By Advocate: Mr.Kunal Rawat)

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- a) Your Honour may please to declare the action of the respondents in not refunding/reimbursing the medical expenses to the Applicant as unlawful and illegal and further may be pleased to direct the Respondents or the Respondents No.3 to make the payment of the sum of Rs. 2,89,129 (Rupees Two Lacs Eighty Nine Thousand and One Hundred and Twenty Nine Only) to the Applicant alongwith interest @ 12% p.a. from the date of the submission of the Bill i.e. 20.5.2003 till the date of actual payment.
- b) Your honour may please to declare the action of the respondents in denying the reimbursement of the Cost of the Cypher Stent as bad unlawful and illegal and the respondents be directed to reimburse the Cost of the Cypher Stent to the applicant and thereby make payment of the difference of the sum of Rs. 71,000 to the applicant towards the cost of the Cypher Stent. The respondents be further directed to make the payment of the sum of Rs. 26,600 towards Ambulance charges as well as the sum of Rs. 840 towards the charges of Angioplasty and consequently pay to the applicant the sum of Rs. 98,440 alongwith interest at the @ 12% per annum from the date of submission of Bill i.e. 20.5.2003 till the date of actual payment.
- c) Your Honour may further be pleased to direct the respondents to pay to the applicant interest @ 12% per annum on the amount of Rs. 1,89,591 from the date of submission of the Bill i.e. 20.5.2003 till the date of payment i.e. upto 17.5.2005.
- d) Costs of this Original Application.
- e) Any other relief which your Honour may deem fit and proper in the facts and circumstances of the case may also be granted to the humble applicant.

2. The grievance of the applicant is regarding non payment of medical expenses.

3. Notice of this application was given to the respondents.

ee

4. During the pendency of this OA, the respondents have made payment of Rs. 1,89,591 on account of coronary angiography with ordinary stent. Regarding reimbursement of sum of Rs. 26,600 on account of Ambulance Charges, the same has been denied. The respondents in the reply have also stated that the matter regarding payment of balance amount of Rs. 71,000 is pending and the same is under process and will be settled shortly.

5. At this stage, it will be useful to reproduce relevant portion of the reply affidavit under the heading Brief Facts of the Case, which thus reads as under:-

"The C.D. of angioplasty submitted by the applicant on 5.10.2005 under his letter dated 4.10.2005 placed as Annexure R/2, thereafter the matter regarding reimbursement of cipher stent is again under process vide letter dated 6.10.2005. The balance payment of only Rs. 71,000 is pending and are under process and the same will be settled shortly. The delay due to non-submission of C.D. of angioplasty by the applicant earlier."

6. The learned counsel for the applicant submits that he will be satisfied if direction is given to the respondents to settle the remaining claim of the applicant expeditiously for a sum of Rs. 71,000 as per the stand taken by the respondents in the reply, relevant portion of which has been reproduced above.

7. In view of what has been stated above, I am of the view that ends of justice will be met if direction

is given to the respondents to settle claim of the applicant for the balance amount of Rs. 71,000 expeditiously and in any case not later than two months from the date of passing of this order. In case the applicant is still aggrieved, it will be open for him to approach this Tribunal again by filing substantive OA.

8. With these observations, the OA is disposed of with no order as to costs.



(M.L. CHAUHAN)

Judicial Member

R/

2