

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL


4.2.2009

OA 571/2005

Mr.R.S.Bhadauria, counsel for applicant.

Mr.Gaurav Jain, counsel for respondents.

Heard learned counsel for the parties. The
OA stands disposed of by a separate order.


(B.L.KHATRI)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th day of February, 2009

ORIGINAL APPLICATION NO.571/2005

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

N.K.Grover
S/o Late Shri H.R.Grover,
R/o C-17, Kendriya Vihar,
Sector-56, Gurgaon.

... Applicant

(By Advocate : Shri R.S.Bhadauria)

Versus

1. Union of India through
Secretary to the Govt.,
Ministry of Defence,
New Delhi.
2. Controller general of Defence Accounts,
West Block-V,
Audit Section G.P.IV,
R.K.Puram,
New Delhi.
3. Controller of Defence Accounts,
Udayan Vihar, Narangi,
Guwahati (Assam).

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI



The applicant has filed this OA for not entertaining his claim of medical reimbursement/TA-DA, amounting to Rs.35246/-, as per detail given at page-7 & 8.

2. The respondents had not reimbursed the aforesaid claim of the applicant on the ground of not submitting the requisite information/documents asked from the applicant.

3. I have heard the rival submissions and perused the record. In para 4.5(d) of the reply, it was submitted by the respondents that the medical claims i.e. Rs.2559/-, Rs.465/-, Rs.1294/- and Rs.7556/- had initially been rejected but later on admitted. In this connection, it was submitted that claim of Rs.7856/- was passed for Rs.4586/- and not Rs.3586/- as alleged by the applicant. As regards the full reimbursement of Rs.7500/- on account of MRI scan, the applicant was asked, vide letter dated 23.12.2002 (Ann.R/4), to furnish full name of MRI performed and specific part of the body on which MRI was performed. But the applicant has not furnished complete detail till date. Learned counsel for the respondents also referred to para 4.5(f) of the reply and submitted that claim of Rs.3131/- was on account of treatment of Mrs. Asha Grover at Mohinder Hospital, New Delhi, w.e.f. 10.7.2000 to 11.7.2000. The applicant stated that the case was an urgent one but neither the circumstantial evidence could prove the same nor the applicant could submit any certificate of emergency from the treating doctor, asked for by the respondents. So, the claim could not be admitted.

4. In the rejoinder, it was submitted by the applicant that Dr.Raj Kumar Lalwani had, subsequently, made an endorsement on the claim that the case was emergent one and needed hospitalization. But the respondents are insisting for submission of the same certificate on a separate sheet of paper, which is nothing but sheer harassment to the applicant. A copy of the certificate dated 11.7.2000 endorsed by the doctor of Mohinder Hospital, New Delhi, is submitted as Ann.A/10.

5. As regards reimbursement of MRI charges, claim of the applicant was admitted in part and disallowance of Rs.776/- was made only for the reason that full name of the MRI performed and specific part of the body on which the same was performed had not been intimated. I am of the opinion that there is no such rule which requires such a detail from the applicant. Therefore, the respondents are hereby directed to pass the bill in complete^{ly} else they should give specific reason and quote a specific rule under which disallowance can be made.

6. As regards the claim of OPR, the same was also admitted to the extent of Rs.8098/- and balance of Rs.19215/- was disallowed for the reason that since name of the operation/disease was not legible in Certificate-B and other documents submitted by the applicant on account of treatment undertaken in Jaipur Golden Hospital, the applicant was asked to get the full name of the operation performed in capital letters from the doctor concerned. But he did not submit the same. In such a situation, the applicant is directed to produce Certificate-B from the doctor concerned giving full name of operation/disease in capital letters and on receipt of the same claim of the applicant should be entertained by the respondents as per rules.

7. As regards the claim of medicine, amounting to Rs.2361/-, the respondents are hereby directed either to entertain the claim or give a specific reason to deny the same.


8. As regards other medicine claims, amounting to Rs.2559/-, Rs.465/-, Rs.1294/- and Rs.7856/-, the same have been admitted partially and the balance has been disallowed on the ground that the applicant had stated in Medical Form-97 that the treatment has been undertaken at the consulting room of the AMA but thereafter he submitted that the treatment was undertaken at the OPD of the Jaipur Golden Hospital, New Delhi. Therefore, the applicant was asked to submit fresh copies of Medical Form-97 stating that the treatment was undertaken in the OPD of Jaipur Golden Hospital, New Delhi. Subsequently, as per Certificate dated 19.3.2001 of Jaipur

Golden Hospital, New Delhi, (Ann.A/9), it has been certified by the doctor that; "I generally prescribe the medicines on my personal pad (to the patients reporting in OPD) to enable the patients to contact me in emergency on phone/mobile at my consulting room." It was submitted by learned counsel for the respondents that copy of this certificate was not given to them. The applicant is, therefore, directed to furnish copy of the said certificate to the respondents and the respondents are directed to entertain the claim of the applicant as per rules.

9. As regards medicine claim amounting to Rs.3131/- in respect of treatment of applicant's wife, the same was not entertained by the respondents and the applicant was asked to submit a certificate of emergency from the treating doctor alongwith an application under the provisions of existing rules stating the factual position which necessitated admission of the patient in the private hospital. Subsequently, the applicant has produced a certificate of the doctor, as per Ann.A/11, certifying the emergent situation and urgency for hospitalization. Therefore, the respondents are hereby directed to entertain this claim of the applicant as per rules.

10. As regards TA/DA claim, amounting to Rs.5653/-, the same should also be entertained by the respondents as per Appendix-VII [Travelling Allowance for Medical Attendance and/or Treatment], relied upon by the applicant.

11. With these observations, the OA stands disposed of. The respondents are directed to entertain all the claims of the applicant, referred to above, as per rules within a period of one month from the date of receipt of a copy of this order. No order as to costs.


(B.L. KHATRI)
MEMBER (A)