

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

3.3.2008

OA 157/2007

Mr.C.B.Sharma, counsel for applicant.
Mr.Gaurav Jain, counsel for respondents.

Heard the learned counsel for the parties.
The OA stands disposed of, at admission stage
itself, by a separate order.


(J.P. SHUKLA)

MEMBER (A)


(M.L. CHAUHAN)

MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 3rd day of March, 2008

ORIGINAL APPLICATION NO.157/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Abdul Rashid,
Postal Assistant,
New Grain Mandi Post Office,
Kota.

... Applicant
(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication &
Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Post Master General,
Rajasthan Southern Region,
Ajmer.
4. Sr.Supdt. of Post Offices,
Kota City Division,
Kota.

... Respondents
(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

4/

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

- "i) That the respondents may be directed to entertain the medical claims of the applicant and to release payment of medical claims pending with them alongwith interest @ 12% p.a. from date of due till payment by quashing letters dated 1.4.2007 and 3.4.2007 (Annexures A/1 and A/2) without insisting for any further formality.
- ii) That the respondents be further directed to release amount of Rs.1,20,000/- alongwith interest at market rate disallowed in the medical bills of indoor treatment and to further allow reimbursement of medical claims of outdoor treatment advised by Monilek Hospital from time to time."

2. Brief facts, which are relevant for disposal of this case, are that the applicant while working as Postal Assistant, Head Post Office, Kota, submitted a bill for medical reimbursement as he had undergone Renal Transplantation after he was referred by the Postal Dispensary Kota and M.B.S. Hospital Kota. He also applied for advance under the relevant rules as cost of operation and expenses. The medical advance was given by the respondents and it is not in dispute that on the basis of claim submitted by the applicant, the respondents reimbursed the medical claim of the applicant after adjusting the advance amount. It is also not in dispute that the applicant took treatment from a recognized private hospital. The grievance of the applicant is regarding not making payment of the subsequent reimbursement bill, which he has submitted on account of follow-up treatment.

3. Notice of this application was given to the respondents, who have filed their reply. The facts as stated above are not disputed by the respondents in the reply. However, in the reply, the objection taken by the respondents is that though the applicant took permission for a recognized private hospital but in accordance with Government of India, Ministry of Health, OM No.S 14025/7/2000 dated 28.3.2000, he had

not obtained permission from the competent authority and got the renal transplantation from a private hospital without such sanction. According to the respondents, as per CS (MA) Rules, medical reimbursement bill for follow-up treatment is not admissible and as such the same has been filed and the applicant was informed accordigly vide letter dated 3.4.2007.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant has drawn our attention to the decision rendered by Punjab and Haryana High Court in a similar matter i.e. **National Research Centre on Equines v. Central Administrative Tribunal and another**, reported at 2005 (3) ATJ 107, and another decision of Principal Bench of this Tribunal in the case of **Mrs. Neeta Sharma v. Union of India and others**, reported at 2006 (2) ATJ 84, whereby it has been held that in case the respondents have granted prior approval then for subsequent follow-up treatment no further approval is required and the prior approval holds good. Learned counsel for the applicant ~~has~~ ^{has} drawn our attention to Ann.A/3, perusal of which shows that the applicant was referred by the Postal Dispensary Kota and MBS Hospital Kota for renal transplantation from higher centre and it was only on account of such medical advice, the applicant had undergone the renal transplantation in the Monilek Hospital and Research Centre Jaipur which, admittedly, is a recognized hospital. It is also not in dispute that the said medical claim was also sanctioned by the respondents. However, the reimbursement was limited to government rates.

5. In view of what has been stated above, we are of the view that it was not permissible for the respondents to file the claim of the applicant for follow-up treatment solely on the ground that the applicant did not obtain permission from the competent authority especially when the learned counsel for the applicant has submitted that he is

limiting his claim to the government rates as per OM dated 28.3.2000. On the other hand, the respondents have not pointed out any provision of law which debars the applicant from claiming medical reimbursement on account of follow-up treatment.

6. Thus, in view of what has been stated above and more particularly the respondents have sanctioned the claim of the applicant on account of his treatment for kidney transplantation at initial occasion, we are of the view that the initial sanction granted by the respondents holds good so far as the follow-up treatment is concerned.

7. Accordingly, the respondents are directed to pass the claim of the applicant, as has been filed vide letter dated 3.4.2007, as per rules and make the reimbursement of the amount limited to CGHS/Government rates within a period of one month from the date of receipt of a copy of this order.

8. With these observations, the OA stands disposed of, at admission stage itself, with no order as to costs.



(J.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

vk