

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 11th day of March, 2010

ORIGINAL APPLICATION NO. 467/2008

CORAM:

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

M.L. Kaka son of Late Shri Arjun Das Kaka, aged about 56 years, resident of 1/255, Malviya Nagar, Jaipur and presently working as Senior Accountant, Office of Director of Accounts (Postal), Jaipur.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Director of Accounts (Postal), Jaipur.

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this OA u/s 19 of the Administrative Tribunal's Act, 1985, thereby challenging the order dated 29.08.2008 (Annexure A/1) whereby he was informed Senior Accountant that his medical claim has not been admitted by the competent authority after consideration. Through this OA, the applicant has sought for the following relief:-

- "(i) That the respondents may be directed to entertain the medical claim of the applicant and to release payment of Rs.1,83,272/- towards medical reimbursement alongwith interest @ 12% p.a. from July, 2007 till payment by quashing letter dated 29.08.2008 (Annexure A/1) without insisting for any further formality.

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- (ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iii) That the cost of this application may be awarded."

2. Briefly stated facts of the case are that the applicant had submitted a medical reimbursement bill in respect of his treatment in a private hospital, Santokba Durlabhi Memorial Hospital, Jaipur to DA (P) Jaipur on 14.05.2007. He has also filed an application to the DA (P) for consideration and sanction of the bill. As the DA (P) Jaipur was not competent to sanction the medical reimbursement bill in respect of private hospital, he forwarded the same to the competent authority i.e. Chief Post Master General, Rajasthan Circle, Jaipur. The respondents had not placed the order of the Chief Post Master General on record. Through the reply filed by the respondents, it is evident that the claim of the applicant had been rejected on technical grounds without considering the medical claim of the applicant as per rules.

2. I have heard the learned counsel for the parties and have also perused the record of the case. In view of the facts & circumstances of this case, I direct the applicant to file a self contained representation before the Chief Post Master General, Rajasthan Circle, Jaipur alongwith certificates of the Doctors, who had treated him in the private hospital, Santokba Durlabhiji Memorial Hospital, Jaipur. Chief Post Master General will decide the representation of the applicant in the light of the provisions contained in Appendix VIII of CS (MA) Rules for reimbursement in relaxation of Rules in emergent cases. In this connection, it is considered necessary to reproduce the relevant portion of the rules:-

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"Circumstances to justify treatment in private medical institution. - In emergent cases involving accidents, serious nature of disease, etc. the person/persons on the spot may use their discretion for taking the patient for treatment in a private hospital in case no Government or recognized hospital is available nearer than the private hospital. The Controlling Authority/Department will decide on the merits of the case whether it was a case of real emergency necessitating admission in a private institution. If the Controlling Authorities/Department have any doubt, they may make a reference to the Director-General of Health Services for opinion."

In case the representation is filed by the applicant within a period of one month from the date of receipt of a copy of this order, in that eventuality, Chief Post Master General, Rajasthan Circle, Jaipur shall decide the representation of the applicant by passing a reasoned and speaking order within two months from the date of receipt of the representation. In view of the above directions, order dated 29.08.2008 (Annexure A/1) is hereby quashed. In case the applicant is aggrieved by the order to be passed by Chief Post Master General, Rajasthan Circle, Jaipur, he is at liberty to file fresh OA thereby challenging the said order.

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


(B.L. KHATRI)
MEMBER (A)

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