

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 21st day of July, 2011

OA No. 290/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Mangtu Ram Gupta
s/o late Shri Umrao Singh,
r/o 11/31, Near Bank of Baroda,
Vaishali Nagar, Ajmer,
Retired from the post of
Assistant Accountant and
Beneficiary of Railway Employees
Liberalized Heath Scheme.

.. Applicant

(By Advocate: C.B.Sharma)

Versus

1. Union of India
through General Manager,
North Western Zone,
North Western Railway,
Jaipur
2. Chief Medical Director,
North Western Zone,
North Western Railway,
Jaipur
3. Chief Medical Superintendent,
North Western Railway,
Railway Hospital,
Ajmer.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

This is third round of litigation. Earlier the applicant preferred OA No.416/2005 for same relief which was disposed of vide order dated 28th July, 2006. This Tribunal while allowing the OA directed the respondents to reimburse the second medical claim for the period from 18.8.2002 to 29.8.2002 of the applicant and make payment to which he is entitled as if such treatment has been taken by wife of the applicant in recognized/referral hospital as prescribed by the railway authorities and the claim was to be settled within a period of three months from the date of the order. The Union of India preferred a Writ Petition before the Hon'ble High Court which was registered as DB Civil Writ Petition No.7560/2006 and decided on 19th September, 2007 dismissing the writ in limine and upholding the order passed by this Tribunal dated 28th July, 2006. The applicant also preferred Contempt Petition No.36/2006. Notices were issued in the Contempt Petition and the learned counsel for the applicant submitted that out of Rs. 30403/- only Rs. 17346/- has been paid to the applicant. The Tribunal disposed of the Contempt Petition with liberty to the applicant to agitate the matter by filing substantive OA if less payment has been made. Thus, the present OA has been preferred by the applicant for the following reliefs:-

- (i) That the respondents may be directed to entertain the medical claim of the applicant for full amount and to release disallowed amount of Rs. 13057/-towards medical reimbursement along with interest @ 12% p.a. from January, 2003 till payment by quashing letter

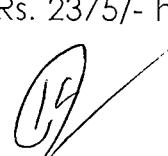


dated 31/10/2009 and office note dated 29/10/2009 (Annexure A/1).

- (ii) That the respondents further directed to allow interest on amount of Rs. 10,608/- paid in the month of February 2005 for the period of 2 years and Rs. 17,346/- paid in the month of November, 2007 for 4 years @ 12% p.a. and thereafter suitable interest also be allowed till payment.
- (iii) 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.
- (iv) That the costs of this application may be awarded.

2. In response to the OA, the respondents have filed reply giving details of payment in para-7. As per details regarding room rent, the applicant claimed Rs 700/- per day and claimed Rs. 7700/- for 11 days, but as per CGHS, room rent @ Rs. 500/- per day is admissible, hence for 11 days Rs. 5500/- is admissible. Thus Rs. 2200/- has correctly disallowed for room rent. Further, regarding nursing and medical care, the applicant claimed Rs. 4950/- which is not admissible as per CGHS. It is stated that nursing charges and routine up-keeping is included in the room rent. Thus Rs. 4950/- has correctly been disallowed as per CGHS. Further, with regard to consultation fee, the applicant claimed Rs. 3990/- for consultation but as per CGHS the consultation fee is admissible only Rs. 50/- per visit, as such, Rs. 550/- is admissible and Rs. 550/- for consultation fee has correctly been paid in terms of CGHS.

3. With regard to laboratory charges, it is stated that the applicant claimed Rs. 2375/-, but he has not given details of investigation under laboratory, hence Rs. 2375/- has correctly been



disallowed. The applicant also claimed Rs.98/- for admission charges, casualty card and other charges, which are not admissible as per CGHS.

4. Having considered the rival submissions of the respective parties, it is not disputed that payment of admissible amount as per CGHS norms has been paid to the applicant whereas the applicant is claiming actual expenses incurred. The CGHS has not approved the excess amount paid by the applicant as the same cannot be paid in view of the CGHS rules. Thus, I find no merit in this OA. The admissible amount was paid to the applicant and the excess payment of Rs. 13057/- which was disallowed by the respondents is not admissible to the applicant under the CGHS and has rightly been disallowed. Therefore, no inference is required by this Tribunal. Consequently, the OA being bereft of merit is dismissed with no order as to costs.



(JUSTICE K.S.RATHORE)
Judl. Member

R/