

(6)

04/08/2011O.A. 20/2011

Present: Mr. Jainendra Jain counsel for the applicant.

Mr. Mukesh Agarwal counsel for the respondents

Written statement as well as rejoinder thereto has been filed. Pleadings are thus complete. Let the matter be placed before the Hon'ble Bench on 25/08/2011 for further orders.

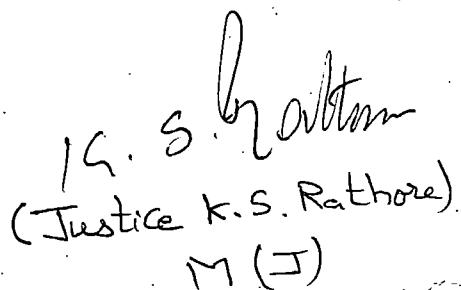


(Gurmit Singh)
Deputy Registrar

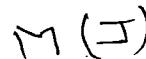
25-8-11

Mr. Jainendra Jain, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of
by a separate order



J.S. Rathore
(Justice K.S. Rathore)



M (I)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 20/2011

Date of Order: 25.08.2011

CORAM:

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

Vipin Kumar Jain S/o late Shri Nemi Chand Jain, aged about 43 years, R/o Main Market, Kumher, Dist. Bharatpur. Working as Sub Post Master, Krishna Colony, Post Office Bharatpur (Raj.).

... Applicant

Mr. Jainendra Jain, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication and IT, Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Office, Bharatpur.

.. Respondents

Mr. Mukesh Agarwal, counsel for respondents

O R D E R (ORAL)

The present Original Application is directed against the order dated 08.01.2010 by which the respondents has refused to reimburse a sum of Rs. 48,696/- against the medical bill.

2. The brief facts of the case are that the applicant suddenly fallen ill and was taken to the Govt. Raj Bahadur Memorial / Janana Hospital, Bharatpur on 09.04.2006 and was under treatment, but the condition of the applicant deteriorated and even the doctors of Bharatpur asked the attendants / relatives of the applicant to take him to S.M.S. Hospital, Jaipur, but the applicant was taken to Escorts Heart Institute & Research



Centre, New Delhi, and was treated there from 14.04.2006 to 19.04.2006. The bill of the treatment was paid by the attendant of the applicant to the tune of Rs. 48,696/- on 19.04.2006.

3. The applicant applied for reimbursement of this amount of Rs. 48,696/-, but the same was not paid to the applicant because of certain technical objections raised by the respondents and ultimately the respondent no. 3 rejected the claim of the applicant vide letter dated 19.06.2006, and after rejection of his reimbursement of medical claim, the applicant made a further representation / appeal for reimbursement of the medical claim, which was finally rejected vide order dated 08.01.2010, and therefore, this Original Application has been preferred by the applicant on the ground that the impugned orders Annexure A/1 and Annexure A/2 are ex facie illegal, arbitrary, unjustified and contrary to the law, and the applicant is eligible and entitled for the reimbursement of the amount of Rs. 48,696/-. The ground which has been taken by the applicant in the O.A. is that when his relatives and family members took him to Escorts Hospital, New Delhi, he was unconscious and he was not knowing where he was taken, but admittedly the applicant was treated in Escorts Hospital, New Delhi, whereas the Doctors of Govt. Hospital, Bharatpur referred him to S.M.S. Hospital, Jaipur.

4. The applicant submits that his case is covered under the Medical Reimbursement Rules of the Department read with Order dated 31.07.2010 (Annex. A/7).



5. Per contra, the learned counsel appearing for the respondents has strongly opposed the submissions made on behalf of the applicant and submitted that the applicant while under treatment at RBM Govt. Hospital, Bharatpur, left the RBM Govt. Hospital at his own decision without having referred to for other recognized Govt. hospital and taking discharge ticket, and the applicant took the treatment from a private hospital at Escort Heart Institute and Research Centre Ltd. at New Delhi w.e.f. 14.04.2006 to 19.04.2006 and submitted his medical reimbursement bills for treatment at Escort Heart Institute and Research Centre Ltd., New Delhi for a sum of Rs 48,696/- for which the applicant is not entitled as per provisions of CCS (Medical Attendant) Rules, 1944. The appellate authority also thoroughly considered the case of the applicant, and after scrutiny of medical reimbursement bill submitted by the applicant, found that the applicant left the RBM Govt. Hospital, Bharatpur without permission and obtaining discharge ticket, which was necessary as per provisions of CCS (MA) Rules, 1944, and therefore, the claim of the applicant has rightly been rejected.

6. Having heard the rival submissions of the respective parties and upon careful perusal of the material available on record as well as the provisions of the CCS (Medical Attendant) Rules, 1944, it is not disputed that the applicant was admitted to the RBM Govt. Hospital, Bharatpur, and was not treated properly in that hospital, therefore, he was taken to the Escort Heart



Institute and Research Centre Ltd., New Delhi; rather taking him to S.M.S. Hospital, Jaipur. Looking to the serious ailment of the applicant, as he was suffered with a cardiac problem, he was, at his own or at the request of his relatives, treated in Escort Heart Institute and Research Centre Ltd., New Delhi.

7. As per the settled preposition of law laid down by the Hon'ble High Courts and Supreme Court, the applicant is at least entitled for the reimbursement of the medical bill which is admissible for such treatment by the Govt. Hospital, and not as per his claim, as this is not disputed fact that the applicant has been treated for cardiac problem by Escort Heart Institute and Research Centre Ltd., New Delhi, and admittedly the applicant is entitled to get reimbursement of the medical bills as admissible in view of CCS (Medical Attendant) Rules 1944, and amount, which is prescribed by the S.M.S. Hospital, Jaipur for such treatment, be reimbursed to the applicant forthwith but not later than three months from the date of receipt of a copy of this order.

8. With these observations and directions, the Original Application stands disposed of with no order as to costs.


(JUSTICE K.S.RATHORE)
Judicial Member