

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER OF THE TRIBUNAL

Date of order : 15.4.2014
OA No.815/2012

Mr. C.B.Sharma, counsel for the applicant.
Mr. M.L.Goyal, counsel for respondents.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reason recorded therein.

Anil Kumar
(Anil Kumar)
Member (A)

ADM/

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 815/2012

Date of Order: 15.04.2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

R.A. Sharma S/o Shri B.M. Sharma, aged about 62 years, R/o Flat No. 303, Block-A, Mahalaxmi Enclave, Baran Road, Kota, retired on 31.10.2010 from the post of Deputy Chief Personnel Officer (I.R.), Western Central Railway, Jabalpur.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Indira Market, Jabalpur – 482001.
2. The Financial Advisor and Chief Accounts Officer (FA & CAO), West Central Zone, West Central Railway, Indira Market, Jabalpur – 482001.
3. The Chief Medical Director, West Central Zone, West Central Railway, Indira Market, Jabalpur – 482001.
4. The Chief Medical Superintendent, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.

...Respondents

Mr. M.L. Goyal, counsel for respondents.

ORDER (Oral)

The applicant has filed the present Original Application with the prayer that the respondents may be directed to release payment to the applicant of Rs. 1,87,180/- towards medical reimbursement for treatment of his daughter along with interest at market rate from April, 2009 till the date of payment.

2. The facts of the case in brief are that the daughter of the applicant was referred to Central Hospital, Northern Railway

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Delhi for treatment vide letter dated 15.09.2008 (Annexure A/3). While travelling to Delhi, his daughter became serious due to acute heart problem and from Nizamuddin Railway Station; she was taken to Escorts Heart Institute & Research Centre, New Delhi, immediately, which was recognized by the Railway Board as well as Northern Railway at the relevant time. She was admitted in the said hospital in emergency and remained there as an indoor patient from 16.09.2008 to 18.09.2008.

3. The applicant immediately informed the respondent No. 4 on 19.09.2008 regarding treatment taken in Escorts Heart Institute & Research Centre, New Delhi.

4. The applicant submitted a medical claim before the respondent No. 2 vide letter dated 18.02.2009 (Annexure A/6) for Rs. 1,87,180/-, wrongly shown as Rs. 1,85,580/-, which was incurred towards treatment of her daughter.

5. The respondents considered his medical reimbursement claim from time to time and vide note-sheet dated 09.02.2010 (Annexure A/9) came to conclusion that facility for ASD closer is not available at Central Hospital,, Northern Railway, New Delhi and Railway Hospital, Kota, so package rates for procedure as per CGHS rates Delhi can be considered for payment, and thereafter matter remained pending and at one stage at Divisional Level, financial approval for Rs. 1,03,500/- also approved subject to consent of Head Quarter finance as per note-sheet dated 15.03.2010 (Annexure A/10).

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6. The respondent No. 4 after due consideration approved Rs. 1,03,500/- and matter referred to respondent No. 3 vide letter dated 05.04.2010 and respondent No. 3 vide note-sheet dated 19.04.2010 approved payment of Rs. 1,03,500/-.

7. However, the claim of the applicant was not approved by the respondent No. 2 and the claim of the applicant was rejected vide letter dated 14.06.2011 (Annexure A/22).

8. Learned counsel for the applicant submitted that the treatment at Escorts Heart Institute & Research Centre, New Delhi was taken due to emergency. The Medical Authorities has referred the case to the Central Hospital, Northern Railway, New Delhi. The Senior Medical Officer vide office note dated 09.02.2010 (Annexure A/9) has already stated that the facility for ASD closure is not available at CH/NR & Railway Hospital, Kota and other nearby Railway Hospitals, therefore, the case of the applicant can be considered for package rates for procedure done as per CGHS rates Delhi. His case for reimbursement of Rs. 1,03,500/- was recommended. His case was further recommended by the Chief Medical Superintendent, West Central Railway, vide letter dated 05.04.2010 (Annexure A/11). The treatment taken by the daughter of the applicant was in an emergency. Therefore, he prayed that the respondents be directed to make full reimbursement of medical claim of Rs. 1,87,180/-.

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9. On the other hand, learned counsel for the respondents submitted that as per Railway Board Policy dated 31.01.2007 (Annexure R/1), the reimbursement for treatment taken in private hospital could be allowed only in emergency and after following the procedure laid down. The term emergency has also been defined in the said policy. The medical reimbursement claims are to be processed for sanction, after the condition of emergency is confirmed by the authorized medical officer ex-post-facto.

10. The applicant in the present case was not willing to go to Parambur and also not willing for operation at Kota Heart Institute, nor the patient had attended Northern Railway Hospital, nor he got referred to Escorts Hospital, instead he went directly to Escorts Hospital without following the medical advice and, therefore, his case was not found fit for reimbursement. According to the record of Escorts Hospital, New Delhi, the case of the patient does not come under the definition of the emergency. The operation was done as planned operation and not as emergency operation. Therefore, the applicant is not entitled for the reimbursement of medical expenses.

11. Heard the learned counsel for the parties and perused the documents available on record.

12. The daughter of the applicant was referred to the Central Hospital, Northern Railway, Delhi by the Chief Medical Superintendent, C.W.R., Kota vide report dated 15.09.2008 (Annexure A/3). According to the applicant, while he was going

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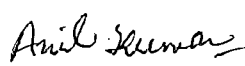
to Delhi, her daughter felt acute pain in her chest and, therefore, in an emergency, she was taken to Escorts Heart Institute & Research Centre, New Delhi. She remained there as an indoor patient from 16.09.2008 to 18.09.2008. The certificate to this effect from the said hospital dated 18th September, 2008 is available on record as Annexure A/4. In this certificate, it has been stated that she (daughter of the applicant) was admitted on 16th September 2008 in the said hospital, underwent device closure of ASD on 17th September, 2008 and was discharged on 18th September, 2008. The applicant also informed this fact to the Chief Medical Superintendent, Divisional Railway Hospital, Kota vide letter dated 19.09.2008 (Annexure A/5). As per the office note dated 09.02.2010 (Annexure A/9) by Senior Medical Officer, the facility for ASD closure is not available at CH/NR and Railway Hospital, Kota and other nearby Railway Hospitals, therefore, it was recommended that the case of the applicant could be considered for package rates for procedure done as per CGHS rates Delhi. Further as per Annexure A/10, the case of the applicant for reimbursement of medical expenses of Rs. 1,03,500/- was recommended. Further Chief Medical Superintendent, W.C.R., Kota vide letter dated 05.04.2010 (Annexure A/11) also recommended the case of the applicant for reimbursement of medical expenses of Rs. 1,03,500/- as per CGHS package rates. The Chief Health Director, West Central Railway, Jabalpur vide letter dated 22.04.2010 (Annexure A/13) also recommended the case of the applicant for reimbursement of medical expenses of Rs. 1,03,500/- as admissible as per CGHS rate. However, his claim was rejected on the ground that

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the case of the applicant did not fall under the category of emergency.

13. In view of the fact that the daughter of the applicant suddenly felt acute pain near her chest, therefore, she had to be taken to the Escorts Heart Institute & Research Centre, New Delhi in an emergency and in view of the fact that as per the office note dated 09.02.2010 (Annexure A/9) by Senior Medical Officer, the facility for ASD closure is not available at Central Hospital, Northern Railway and Railway Hospital, Kota and other nearby Railway Hospitals and also in view of the fact that the Chief Medical Superintendent, W.C.R., Kota vide letter dated 05.04.2010 (Annexure A/11) as well as Chief Health Director, West Central Railway, Jabalpur vide letter dated 22.04.2010 (Annexure A/13) have recommended the case of the applicant for reimbursement of medical expenses of Rs. 1,03,500/- as per CGHS package rates, Delhi, the respondents are directed to consider the case of the applicant for medical reimbursement at the CGHS package rates, Delhi i.e. Rs. 1,03,500/- and make the payment within a period of three months from the date of receipt of a copy of this order.

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


(ANIL KUMAR)
ADMINISTRATIVE MEMBER