

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

original

APPLICATION NO.: 198/2013

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

23/04/2014

Mr. C.B. Sharma, Counsel for applicant.
Mr. B.K. Pareek, proxy Counsel for
Mr. T.P. Sharma, Counsel for respondents

Heard learned Counsel for the
parties.

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

Anil Kumar
[Anil Kumar]
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 198/2013

DATE OF ORDER : 22.04.2014

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Murari Lal Sharma son of Late Shri Raghuveer Prasad Sharma, aged about 65 years, at present resident of C/o Shri Bhola Ram Sharma, 1-B-50, Shiv Shakti Colony, Shastri Nagar, Jaipur. Retired on 31.12.2007 from the post of TTA, Office of General Manager Telecom, Telecom District (BSNL), Door Sanchar Bhawan, Moti Doongari, Alwar.

... Applicant

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

Versus

1. Bharat Sanchar Nigam Limited through Chairman and Managing Director, Corporate Office, Statesman's House, Barakhambha Road, New Delhi.
2. Chief General Manager Telecom, Rajasthan Circle, Sardar Patel Road, Jaipur.
3. General Manager Telecom, Telecom District (BSNL), Door Sanchar Bhawan, Moti Doongari, Alwar.

... Respondents

(By Advocate: Mr. B.K. Pareek proxy to Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs:-

- (i) That the respondents be directed to entertain the medical claims of the applicant and to release payment Rs.66,934/- towards medical reimbursement along with interest @ 12% .p.a. from July, 2011 till payment.
- (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 costs of this application may be awarded."

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2. The brief facts of the case, as stated by the learned counsel for the applicant, are that the applicant retired on 31.12.2007 while holding the post of TTA in the office of GMTD, Alwar. That on 18.02.2011, the applicant admitted in Tagore Hospital, Jaipur and remained indoor patient upto 03.03.2011 and incurred an expenditure of Rs.50,995/- towards treatment. The applicant informed the respondents through Fax about the fact of his being admitted in the hospital.

3. The applicant against admitted in Rungta Hospital, Jaipur on 22.04.2011 for operation and remained indoor patient upto 25.04.2011 and incurred Rs.13,939/-. On this occasion also, the applicant informed respondent no. 3 through Fax.

4. The applicant submitted his medical claims for Rs.50,995/- and Rs.15,939/- before respondent no. 3. Respondent no. 2 directed the respondent no. 3 to complete certain shortcoming. Thereafter, the respondent no. 3 directed the applicant to complete shortcomings. The applicant vide letter dated 06.09.2012 (Annexure A/6) apprised the respondent no. 3 about the correct facts.

5. That the counsel for the applicant was informed by the respondents vide their letter dated 20.11.2012 that amount of Rs.738/-, Rs.498/- and Rs.11,575/- have been paid to the

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applicant. However, medical claim for Rs.50,955/- and Rs.15,939/- are pending for payment due to non receipt of documents/information/omissions pointed out by the office of the respondents earlier. The learned counsel for the applicant submitted that no formality is pending from the side of the applicant. That the applicant could not take prior permission/approval but he informed the respondents about this fact through Fax on both occasions. The respondents should have issued the ex-post-facto sanction for permission of taking treatment. That the applicant submitted detailed reply on 29.11.2012 (Annexure A/1) to respondent no. 3 with copy to respondent no. 2. More than one year has passed but no decision has been taken by the respondents so far. Therefore, the respondents be directed to process the medical claim of the applicant and make necessary payment.

6. The respondents have filed their reply. The respondents have submitted that the applicant has not challenged any order and, therefore, the present OA is not maintainable.

7. The respondents in their reply have stated that so far as the reimbursement of medical claim is concerned, the applicant has not followed the provisions of the rules and regulations. Therefore, the applicant is not entitled to get any relief, as prayed in the OA.

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8. The learned counsel for the respondents submitted that it was the duty of the applicant to inform the respondents at proper time about his disease and admission in hospital. He was required to take prior permission/approval before getting treatment in the hospital. On the other hand, the applicant informed the respondents after getting admission and getting treatment which does not fulfill the requirement of procedure for claim of medical bills. He drew my attention to letter of the respondents dated 24.08.2006 (Annexure R/1) and letter dated 01.07.2007 (Annexure R/2) which contain the instructions regarding medical reimbursement. According to these instructions, the applicant was supposed to get authorization letter from the controlling authority but the applicant did not get any authorization letter. Therefore, his claim cannot be processed and he is not entitled for reimbursement.

9. Heard the learned counsel for the parties and perused the documents on record. The main controversy in this OA is with regard to the authorization letter in favour of the applicant for the treatment to be issued by the controlling authority. The learned counsel for the applicant submitted that on both these occasions that is when he got admission in Tagore Hospital, Jaipur on 18.02.2011 and in Rungta Hospital, Jaipur on 22.04.2011, the respondents were informed by Fax. That the applicant has clarified his position vide his letter dated 29.11.2012 (Annexure A/1) to the respondent no. 3. The learned counsel for the respondents

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submitted that as per rules, the applicant is not entitled for medical reimbursement because the applicant has not submitted the authorization letter but it was also stated that no final decision has been taken by the respondents on the representation of the applicant dated 29.11.2012 (Annexure A/1). Therefore, in the interest of justice, the respondents are directed to consider and decide the representation of the applicant dated 29.11.2012 (Annexure A/1) according to the provisions of law by passing a reasoned & speaking order within a period of three months from the date of receipt of a copy of this order.

10. With these directions, the OA is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

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