

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No. 060/00946/2014

Date of decision-28.09.2015.

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

...

Avtar Singh Jassal son of Late Sh. Bhajan Singh Jassal, R/o 649-I,
Bhai Randhir Singh Nagar, Ludhiana.

...APPLICANT

BY ADVOCATE : Sh. Sharwan Sehgal.

VERSUS

1. Union of India through the General Manger, Northern Railway,
Baroda House, New Delhi.
2. The Chief Medical Director, Northern Railway, Baroda House,
New Delhi.
3. The Chief Medical Superintendent, Rail Coach Factory,
Kapurthala.
4. The Chief Medical Superintendent, Northern Railway, Ferozepur.

...RESPONDENTS

BY ADVOCATE: Sh. Sanjay Goyal.

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ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

The present OA has been filed by the applicant seeking issuance of a direction to the respondents to pay him the balance amount of Rs. 2, 84, 066/- in respect of medical expenses incurred by him on the treatment of his wife along with the interest.

2. Learned counsel for the applicant submitted that applicant's wife was referred for treatment for knee replacement (of right leg) to the AIIMS but when she was operated for the same in the hospital, she was advised by the doctors for knee replacement of left leg also. On the advice of the doctors, her both knees were operated in AIIMS. Thereafter, the applicant submitted the medical bills for reimbursement of the whole amount incurred on the treatment of his wife but the authorities have only reimbursed the amount which was incurred on treatment of replacement of right knee as for the same, they have referred her to the AIIMS but not for the other knee replacement. The reimbursement of amount incurred upon the treatment of left knee was rejected by the respondents on the ground that same has been operated on the advice of the doctors of the hospital and they have not made/asked for any reference in that regard.

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3. Upon notice, the respondents have filed a written statement in which they have taken a preliminary objection that the applicant has not availed the remedy of statutory appeal against the denial of the amount by respondents before approaching this court. Learned counsel for the respondents suggested that let the applicant submit a statutory appeal before the appellate authority who shall thereafter take a view in the matter in accordance with rules/policy and if same is admissible under the prescribed rule, then it will be released otherwise a reasoned and speaking order will be passed.

4. Faced with the above proposition, learned counsel for the applicant submitted that he may be permitted to withdraw the instant O.A enabling him to file an appeal within a period of two weeks to the appellate authority who shall thereafter decide the same in a time bound manner and the authorities may not dismiss the same on the ground of delay and take a view on merits.

5. Considering the ad-idem between the parties, the present Original Application is dismissed as withdrawn with a direction that if the applicant files an appeal within a period of two weeks from the date of receipt of certified copy of the order, then, the same be decided by the appellate authority on merits by passing a speaking and reasoned order in accordance with law within a period of two

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months from the date of submission of appeal. The appeal may not be rejected on the ground of delay.

6. Disposal of the O.A may not be construed as an expression of any view on the merits of the case.

7. No order as to costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 28.09.2015.

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