

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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OA No. 060/00079/2014 Date of decision-11.03.2015.

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

Parvinder Singh, Assistant Personal Officer now Divisional Personal Officer O/o DRM, Northern Railway, Ferozpur Division, Ferozepur Cantt.

...APPLICANT

BY ADVOCATE : Sh. Deepak Sharma

VERSUS

1. Union of India through the General Manager Northern Railway, Baroda House, New Delhi.
2. The Chief Medical Director, Northern Railway, Baroda House, New Delhi.
3. The Chief Medical Superintendent, Northern Railway, Ferozepur Division, Ferozepur.
4. Divisional Railway Manager, Northern Railways, Ferozepur Division, Ferozepur.

...RESPONDENTS

BY ADVOCATE: Sh. Lakhinder Bir Singh.

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ORDER (ORAL)

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

By means of the present Original Application, the applicant has sought issuance of a direction to the respondents to reimburse the balance medical expenditure amounting to Rs. 1,73,425/- spent by him in getting medical treatment, along with the interest @ 18 per annum.

2. Upon notice, the respondents contested the claim of the applicant by filing a written statement. Based thereupon, Sh. Lakhinder Bir Singh, learned counsel for the respondents submitted that the respondents have already reimbursed the amount to the applicant, as admissible to CGHS beneficiaries by considering the emergency and as such the present O.A be dismissed.

3. Sh. Deepak Sharma, learned counsel for the applicant submitted that as per OM dated 20.02.2009, issued by the Ministry of Health & Family Welfare, the competent authority can relax the rules for reimbursement of full expenditure, by considering the emergency and that OM has not been considered by the respondents in his case.

4. Sh. Lakhinder Bir Singh, learned counsel for the respondents submitted that Railway is an independent body and the above said OM is not Ispo-facto applicable unless the same is adopted by it by a conscious decision.

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5. Learned counsel for the applicant submitted that he may be permitted to challenge the action of the respondents by filing a separate petition. He also submitted that the respondents have not treated the applicant in category '4' and have treated him in category '3', thus, causing prejudice to him. He prayed that the applicant be allowed to file a representation before the authority in this regard and the same may be ordered to be decided by the competent authority, which course of action is not opposed by the counsel opposite.

6. Considering the consensual arrangement, we dispose of the present O.A with a direction that if the applicant files a representation before the competent authority qua his aforesaid grievance, the said authority is directed to decide the same, expeditiously and if any amount remains to be paid to the applicant, the same may also be paid, as admissible to him.

7. With the observations and directions as above, this O.A. stands disposed of, with no orders as to costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.03.2015.