

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3736/2014

New Delhi, this the 27th day of September, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

Mahesh Kumar Bharti,
Aged 60 years,
S/o Late Shri Ram Gopal,
Retired from the post of Accounts Assistant,
From the office of Senior Divisional Finance Manager,
Northern Railway, State Entry Road,
DRM Office, New Delhi.
R/o 4013, Gali Barna, Basti Mansa Ram,
Sadar Bazar, Delhi-110006. .. Applicant

(By Advocate : Shri Yogesh 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 Divisional Hospital,
Near Old Delhi Railway Station, Delhi. .. Respondents

(By Advocate : Kumari Rekha for Shri Satpal Singh)

ORDER (ORAL)

The applicant, who retired as Accounts Assistant from the Railways, met with an accident on 18.12.2011 in which he broke

his Femur bone. Due to an emergency, he was taken to a nearest hospital, viz. Jeewan Nursing Home and Hospital, which is a private hospital. He was hospitalised for three days and then discharged. The total bill was amounting to Rs.67,000/-. The respondents sanctioned Rs.24,600/- based on the CGHS rates.

2. Letter dated 31.01.2007 issued by the Railway Board relating to reimbursement of medical expenses has a provision for reimbursement in case of emergency which includes road accidents etc. The same rule also prescribes that the reimbursement would be made at CGHS rates of that city or nearest city. However, para IV further clarifies as follows:

“IV In Medical Science, no list can be fully exhaustive. Hence, it is likely that there will be few occasions when a claim has been submitted which is not appearing exactly in the CGHS rate list. On these cases, the MD/CMS/MS-in-charge of Divisions will apply their mind and will come to a logical conclusion. Then, they will pass a speaking order to certify the rate/s being recommended, in consultation with Associate Finance.”

It is the applicant's case is that as per provision of para IV quoted above, the total amount of the bill of Rs.67,000/- should be reimbursed.

3. Learned counsel also relies on the order dated 07.01.2013 in O.A. 1658/2012 in which while discussing a similar claim of reimbursement of medical expenses, the Tribunal was guided by the judgment of the Hon'ble Apex Court in **Suman Rakheja vs. State of Haryana & another**, 2006 SCC (L&S) 890, in which Hon'ble

Supreme Court held that “In such cases, the employee would be entitled to get refund of 100% medical expenses at the AIIMS rates and 75% of expenditure in excess thereto.” It is, therefore, prayed that the respondents be directed to decide the medical claim of the applicant based on the principle laid down by the Hon’ble Supreme Court.

4. Kumari Rekha, learned counsel appearing on behalf of the respondents, states that the arguing counsel, Shri Hilal Haider, is not able to appear today because he is busy before the Hon’ble High Court. Since this is a matter pertaining to the year 2014 and already two years have passed on this balance medical claim of Rs.42,400/, it would not be prudent to drag this issue any further as this would be further burden on the applicant in legal and other expenses.

5. This O.A. is, therefore, disposed of with a direction to the respondents to scrutinise the medical bill of the applicant keeping in view the principle laid down by the Hon’ble Supreme Court in **Suman Rakheja** (supra) and in case balance payment is due to him after recalculation, same be paid to the applicant within a period of 90 days from receipt of a certified copy of this order. No order as to costs.

(P.K. Basu)
Member (A)

/Jyoti/