

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00087/2018

DATED THIS THE 3rd DAY OF AUGUST 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Gururao,
S/o Vijayarao,
Aged about 67 years,
Retired Accounts Officer,
in the office of the BDO,
Income Tax BDO,
Income Tax Department,
Now residing at
No.18/7, 1st Floor,
2nd Main Road,
Raghavendra Layout,
Hosakerehalli, BSK 3rd Stage,
Bengaluru – 560 085.

....Applicant

(By Advocate Shri MR.Achar)

Vs.

1.The Union of India,
Rep. by its Secretary,
Ministry of Finance,
Government of India,
New Delhi. 110 001.

2.The Principal
Commissioner of Income Tax,
Central Revenue Building,
Navanagar, Hubballi 580025

3.The Assistant Accounts Officer,
CBDT, Navanagar, PB Road,
Hubballi 580025

...Respondents.

(By Shri VN.Holla... Senior Panel Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The matter relates to medical reimbursement of a patient burdened with bone cancer. The case put up by the applicant is that it was an emergent requirement that led her to seek treatment in a private hospital. Bone cancer is not like a heart attack. Heart attack can come emergently and needed to be attended to immediately. Bone cancer develops over a period of time and it appears the entire treatment has been done in this case in a private hospital of the patient's or the family's choice. In such cases the Hon'ble Apex Court had made its mind clear that which ever is the highest, whether the rate of the AIIMS, New Delhi or CSMA rates or the CGHS rates is applicable to be paid to the applicant. Therefore, there will be a mandate to the concerned respondent to find out from the AIIMS, CGHS and the authorities of the CSMA as to what is the rate payable and make it available to the applicant within 2 months next.
2. OA is, allowed. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

bk

(DR. K.B. SURESH)
MEMBER (J)

Annexures referred to by the applicant in OA.No.87/2018

Annexure A-1: Copy of representation for payment dated 28.5.2015.

Annexure A-2: Copy of representation dated 27.10.2015.

Annexure A-3: Copy of representation dated 8.12.2014.

Annexure A-4: Copy of Swamy news in r/o judgement of the CAT

Annexure A-5: Copy of the Commissioner order dated 16.2.2017.

Annexure A-6: Copy of the representation dated 19.10.2017.

Annexure A-7: Copy of the correspondence dated 22.5.2017 a-w typed copy.

Annexures referred to by the respondents in the Reply Statement

Annexure R1: Copy of letter No.43(1)/2018-19/Pr.CCIT dated 11.5.2018.

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