

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00460/2017

Dated Tuesday the 6th day of February Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

A.Mohan,
Retd. Sr. Section Engineer (C & W),
Madurai Division,
Southern Railway,
Madurai.Applicant

By Advocate M/s. Ratio Legis

Vs

- 1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai 3.
- 2.The Chief Medical Director,
Southern Railway,
Park Town, Chennai 3.
- 3.The Chief Medical Superintendent,
Madurai Division,
Southern Railway,
Madurai 16.Respondents

By Advocate Mr. A. Abdul Ajees

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the records related to impugned order in No. U/MD.34/I dated 13.12.2016 passed by the 3rd respondent and to quash the same and further to direct the respondents to do the necessary to direct the respondents to reimburse the claim of Rs. 2,06,741 with admissible interest and to pass such other order / orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. Learned counsel for applicant would submit that the applicant's case for medical reimbursement had been rejected on the ground that he had not taken treatment in the Railway hospital but had chosen to get himself admitted to a private hospital for a non-emergency treatment. It is admitted that the applicant was indeed admitted to Velammal Speciality Hospital, Madurai, but in an emergency. A certificate to this effect has been produced at Annexure A-1 wherein it is stated that the applicant was shifted to speciality ward and PTCA was carried out on 08.10.2016 on an emergency basis. The applicant would be satisfied if he is at least reimbursed the minimum expenses that the Railway hospital would have incurred on his treatment had he been admitted there.

3. Learned counsel for respondents would argue that the applicant's state was not such that he could not seek admission to the Railway hospital. The applicant's claim that he was admitted to a private hospital in an emergency is not correct and accordingly, the respondents had rightly rejected his medical reimbursement claim. It

is also submitted that the Railway hospital was renowned for treatment of cardio conditions and there was no reason for the applicant to approach a private hospital.

4. I have considered the submissions. As the applicant has produced the certificate at Annexure A-1 to the effect that he had continuous pain and PTCA was carried out on 08.10.2016 on an emergency basis, it may not be correct to wholly disbelieve the applicant. Accordingly, I am of the view that the ends of justice would be met in this case if the respondents are directed to consider the claim of the applicant to the extent of the expenditure the Railway hospital would necessarily have incurred on the applicant had he been admitted there. The respondents shall verify the claim of the applicant for actual expenses incurred by him and reimburse it to the extent of the variable costs such as cost of medicines etc., that would have been borne by the Railway hospital if the applicant would have availed of treatment therein.

5. OA is disposed of with the above direction. No costs.

**(R. Ramanujam)
Member(A)
06.02.2018**

SKSI