

**Central Administrative Tribunal
Madras Bench**

OA/310/01070/2017

Dated Wednesday the 3rd day of January Two Thousand Eighteen

P R E S E N T

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

G.Thangam
Electrical Signal Maintainer III,
SSE/S&T/Tambaram,
Chennai Division,,
Southern Railway. .. 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 Superintendent,
Southern Railway,
Chennai. .. Respondents

By Advocate **Mr.A.Abdul Ajees**

ORAL ORDER

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

The applicant has filed this OA seeking the following relief:-

“To call for the records related to impugned order dated 09.2.2015 made by the 2nd respondent and the representation dated 11.3.2016 and to quash the order by the 2nd respondent and further to direct the respondents to reimburse the claim of Rs.82,548/- 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 the applicant would submit that the applicant's claim for Medical Reimbursement has been denied by the impugned order dated 12.11.2015 only for the reason that he underwent treatment in MIOT Hospital, whereas he should have approached the Global Hospital which was the recognized Railway hospital for neurological cases. It is submitted that the applicant was under coma and in view of the grave crisis it was not possible for his attendants to make enquiries regarding the recognised hospitals and then take him there for treatment.
3. Learned counsel for respondents however, submits that the applicant had taken insurance and it is not clear if he had been paid any insurance claim by the insurance company concerned. Moreover, he had not produced any original vouchers/bills for medical reimbursement. As it is a clear case of taking treatment in the non-recognized hospital, the claim could not be entertained, it is contended.
4. I have carefully considered the submissions. It is not in dispute that the applicant underwent treatment for a neurological decease in MIOT hospital to

which he had been admitted in a state of coma. It is unrealistic to expect that in such a grave state of emergency, a patient's attendants would make enquiries regarding recognised hospitals and wait till the authorities clarified the matter. Therefore, I am of the view that the ends of justice in this case would be met if the respondents are directed to process the claim of the applicant for medical reimbursement in terms of the relevant rules subject to restricting the reimbursement claim to rates as approved for Global hospital for the same kind of illness. The applicant shall be liable to produce original vouchers regarding the expenses, if not already submitted. He shall also satisfy the respondents that he had not claimed insurance for the same treatment from any insurance company. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

(R.Ramanujam)
Member(A)

03.01.2018

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