

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.759/2014
Dated this the 14th day of March, 2017**

CORAM: HON'BLE MS. B.BHAMATHI, MEMBER (A)

Dattatraya Balkrishna Bhawe,
(Retired Office Superintendent II,
DRM Bhusaval (Central Railway),
Residing at B/9
Shree Nilkanth Dhara,
Navapada, Subhash Road,
Dombivali (West),
District Thane,
Maharashtra-421202. **...Applicant.**
(By Advocate Shri S.B.Kanade)

Versus.

1. General Manager,
Central Railway, CST,
Mumbai.

2. Central Railway,
Through The
Chief Medical Officer,
Central Railway,
Bhusaval-425201. **...Respondents.**
(By Advocate Shri V.D.Vadhavkar)

Reserved on :- 28.02.2017.

Pronounced on :- 14.03.2017.

O R D E R

Per:-Hon'ble Ms.B. Bhamathi, Member (A)

This OA has been filed by the
applicant under Section 19 of the
Administrative Tribunals Act, 1985 seeking

the following reliefs:-

“(a) This Hon'ble Tribunal may be pleased to direct the Respondents to reimburse the medical treatment expenses of Rs.3,70,053/-, incurred by the applicant, for the emergent medical treatment of his wife out of the total expenditure of Rs.7,24,595/- reducing there from the charitable donations of Rs.345000/- received by the applicant in distress.

(b) The costs of this application may be allowed.

(c) Such other further reliefs as may be found necessary in the facts and circumstances may be”.

2. The case of the applicant is that he retired as Office Superintendent on 31.12.1989 and is in receipt of monthly pension. His wife aged 70 years suffered brain hemorrhage at Dombivali, Thane where he resides. The applicant had to admit her to a local private hospital in the vicinity of his residence from 17.10.2010 to 21.10.2010. She was discharged on 21.10.2010. Subsequently, in view of her deteriorating health condition, on 05.11.2010 she was advised immediate

neurosurgery. Due to Diwali holidays most of the government hospital doctors were not available emergencies. The applicant did not take any risks and rushed his wife in an unconscious condition to the best available treatment at Saifee Hospital, Charni Road, Mumbai. The applicant's wife underwent treatment from 6.11.2010 to 30.11.2010 at a cost of Rs.7,24,591/- which he incurred from his savings, domestic borrowings and charitable assistance. The applicant approached the charitable institutions like Sir Ratan Tata Trust, Sir Dorabji Tata Trust and Shri Siddhi Vinayak Trust for financial assistance. He was extended financial assistance to the tune of Rs.3,45,000/-.

2.1. The applicant submitted the details of the medical expenses of Rs.7,24,591/- and sought reimbursement from the Chief Medical Officer (CMO), Central Railway, Bhusaval on 11.1.2011. On 17.10.2011 the CMO, Bhusaval conveyed

that his medical reimbursement claim is inadmissible on the ground of not availing the medical help in the Railway Hospital at Kalyan, Dist. Thane and for not obtaining the membership of Retired Employees Liberalized Health Scheme (RELHS) before the medical emergency.

2.2. The applicant approached the Chairman Railway Board on 26.11.2012 seeking sympathetic consideration and he was advised by way of reply to obtain membership of RELHS 97 to obtain the benefits of the scheme vide letter dt. 17.12.2012. The applicant took up the matter again on 22.1.2013 with the Hon'ble Minister of Railways and then with the Prime Minister on 20.6.2013. He again approached the CMO, Bhusaval on 16.7.2014 and 01.09.2014, but to no avail.

2.3. In order to comply with the requirement he submitted his request for membership under the RELHS-97 as soon as it was made open by the Railway Board's

Circular dt. 31.05.2012 and secured lifelong membership of RELHS-97 on 07.08.2012 by paying the necessary charges.

3. In the reply to the O.A., the respondents have denied and disputed the contentions of the applicant. It is clarified that the applicant has filed the O.A. for directing the respondents to reimburse medical treatment expenses to the tune of Rs.3,70,053/-. The applicant having served as Office Superintendent was familiar with the scheme of RELHS. The applicant retired on 31.12.1989 on superannuation, but he failed to obtain the RELHS medical card at the time of his retirement. Only after his wife's illness, applicant applied for and got enrolled in the scheme in 2012. Applicant was residing at Dombivali. Had he joined RELHS, he could have registered his RELHS Medical Card at Central Railway's Thakurli Health Unit, Thane Health Unit or

Divisional Health Hospital, Kalyan. At the time of illness of applicant's wife, he was not member of RELHS and it was essential part for sanctioning reimbursement as per Rules. Hence, respondents have rightly rejected his claim for medical reimbursement on 17.10.2011.

3.1. It is denied that the Railway Board letter dt. 31.01.2007 pertains to procedure for sanctioning reimbursement of medical expenses. The said letter is not applicable in the applicant's case, as he was not member of RELHS at the time when alleged emergency arose. The Railway Board letter dt. 31.5.2012 is also not applicable in applicant's case.

4. The applicant has filed M.A. for condonation of delay, explaining as to how he had to move from pillar to post to get a response at various levels for grant of medical reimbursement. He has relied upon the observations of the Hon'ble High Court

of Delhi in case **No.889/2007 decided on 12.3.2010 in Kisanchand Vs. Government of NCT & Ors.** when he submitted his applications to railway authorities. He has admitted delay of 2 years and 32 days in filing the O.A. and he has also stated that he is at an advanced age of 83 years and therefore the delay may be condoned.

5. In reply to the M.A. for condonation of delay, respondents affirm the admitted delay is of 2 years and 32 days. The settled position of law is that repeated representations do not extend the period of limitation. There has been an inordinate delay which started when the original cause of action arose on 17.10.2011. The O.A. was filed on 18.11.2014. However, the delay condonation petition was filed on 22.1.2015. Hence, actual delay is to be calculated from 22.01.2015 i.e. 3 years and 3 months. Even if cause of action is taken as 17.4.2012 up to 22.1.2015, the

delay is almost 2 years and 9 months. Courts have discretion to condone delay only if sufficient and valid reasons are given for the delay. In the absence of satisfactory explanation, the O.A. is hit by Section 21 of the A.T. Act, 1985.

5.1. The respondents have relied upon the following decisions of the Hon'ble Supreme Court :-

- i) Esha Bhattacharjee v. Managing Committee (AISLJ 2014 (1) 20).***
- ii) State of Uttaranchal v. Shivcharan Singh Bhandari {2014 (2) SLR 688 (SC)}***
- iii) State of Tripura v. Arbinda Chakravarti (2015 SLR 12).***

6. The Tribunal has gone through the O.A. alongwith Annexures A-1 to A-8, M.A. for condonation of delay and rejoinder filed by the applicant.

7. The Tribunal has gone through the Reply to M.A. for condonation of delay and reply to the O.A.

8. Heard the learned counsel for the applicant and the learned counsel for the

respondents and carefully considered the facts, circumstances, law points and rival contentions in the case.

9. The undisputed admitted position is as follows:-

- Applicant failed to opt/secure RELHS membership in 1989 at the time of retirement.
- Applicant became member of RELHS only in August 2012 after applying for RELHS in 2011 i.e. after his wife's medical emergency.

10. Addressing the issue of delay first it is noted that applicant has not challenged any specific order in the Relief clause. But at para 4(f) of the OA rejection to his representation dated 11.01.2011 for sanction of reimbursement was on 17.10.2011, when the cause of action first arose. He filed subsequent representations with various authorities

in 2012 and 2013 and on 16.07.2014, 01.09.2014 to CMO Bhusawal.

11. Specifically after the rejection order, the applicant submitted representation to Chairman Railway Board on 26.11.2012 and then to Minister of Railways on 22.01.2013. He filed this OA, however, in November 2014 and the delay condonation petition was filed in this OA in January 2015.

12. The reasons for delay stated in the delay condonation petition stating that he had filed various representations, between 2011 and 2014 before various authorities. When he failed to get sanction even after becoming a member of RELHS in August 2012, when the Scheme opened up on 31.05.2012, which need i.e. to become a RELHS member was also mentioned in letter of Railway Board dated 17.12.2012 (by which time he had got membership) he filed this OA. He is 83 years old and hence prays for condonation

of delay keeping his old age and despite the admitted delay of 2 years 32 days.

13. In the view of the Tribunal the delay is to be counted from the date of original cause of action, as per section 21 of the AT Act. After rejection on 17.10.2011, he should have approached the Tribunal within a year from the date of rejection. However, between October 2012 to 2014 he kept filing representations only. He filed the delay condonation petition in January 2015, after filing the OA in November 2014. The delay extended from October 2012 to January 2015. As per settled law repeated representations in various quarters, cannot cover delay. Even for arguments sake if applicant became member of RELHS in August 2012, there is no evidence that he approached R-1 seeking sanction for medical reimbursement immediately after he had become a member. The respondents did not come to know of his membership till applicant filed representations as late as July and

September 2014 before the CMO. Hence, the claims are time barred and the unjustified delay, arising from merely filing representations before Railway Board, Railway Member, PMO etc. cannot be condoned. The OA is, therefore, not maintainable on grounds of delay.

14. As regards the merits of the case, RELHS has been notified under Article 309 of the Constitution of India and is part of the Statute Book in the IRMM Vol-I. Being statutory in nature, it came into effect from the date of its notification. The Scheme was in existence when the applicant retired in 1989. He did not opt for membership by paying the fee and becoming a member. Nor did he become a member before the surgery was undergone by his wife. By law he was excluded from getting benefits of the RELHS scheme at the time of the surgery. So he applied under the scheme after the surgery in 2011 and got his membership in August 2012 when

RELHS was made open ended for retired pensioners. But this could have helped him only for future, as this was not with retrospective effect, but only with prospective effect and hence applicant could not have been covered by the RELHS, as per law.

15. The applicant has relied on the Railway Board Circular dated 31.01.2007 that in an emergency reimbursement is permissible. The circular is applicable to members and not non members of RELHS. In any case, the circular covers emergencies in Railway Hospital, Government Hospital and private recognized hospitals in that order and by special prior permission of Medical Board is applicable to grave emergencies for treatment in any private/non-recognized hospital. Even by availing prior special permission from the Medical Board, to go directly to a private/non-recognized hospital the respondents could not have helped the applicant till he became a member of RELHS. He approached

private/ non-recognized hospital without intimating the Railways, since he knew he was not a RELHS member. The facility to avail this extraordinary provision was available only to a pre existing member of RELHS. The Railway Board circular of 31.01.2017 was clearly intended to make reimbursement procedures transparent and objective for pre existing members and was not for non members.

16. The Railway Board circular of 31.05.2012 for pre March 2009 retirees came into prospective effect and that too on obtaining membership. Applicant secured membership in August 2012. Hence, applicant's case is not covered by the Railway Board Circular of 31.05.2012.

17. Given the above Rule position, the applicant has not explained as to why he did not obtain membership at the time of his retirement or when the RELHS-97 was notified. The respondents contend that he was working as Office Superintendent/ OS

and hence, he was familiar with the rules. The applicant's contention that he was OS, but looking after technical matters does not hold water. Even in the order dated 17.10.2011, the CMO has clearly stated that applicant had full knowledge in medical and legal professions and hence, it is not clear why he failed to join RELHS. This point has nowhere been explained or denied either in any of the representations after 2011 or in this OA. Therefore it can be safely concluded that applicant knew about the scheme and did not opt for it at the time of retirement and waited till after the preferring of medical reimbursement claim for his wife's treatment to become a member. Had he become a member at the time of retirement or in 1997 when the REHLS-97 was notified i.e. before the illness of his wife he could have registered the card and got entire treatment done at his very doorstep i.e. proximate to Dombivali where

Railway's medical infrastructure was fully available or his membership with RELHS could have been initiated, knowing fully well that the health problems of his wife could have required frequent medical care/treatment. Applicant was fully aware that these facilities were amended by members only. There is nothing on record to show that applicant availed the facilities at any Railway hospital closer to Dombivali or away from Dombivali between 1989 to 2010, knowing fully well that he was excluded by virtue of his non membership. Only when the expenses became unbearable he staked his claim for medical reimbursement and that too after taking treatment directly from a non recognized private hospital, without any prior permission of Medical Board. This sanction was rightly not permissible under IRMM.

18. The scheme was incorporated into the IRMM Vol.I framed under Article 309 of the Constitution of India, at Para-612 of

the said Manual, Para-612A of the RELHS 97 reads as follows:-

"612 A "Retires Employees Liberalised Health Scheme-1997 ('RELHS-1997").

(1) Retired Railway employees covered under RELHS-97 will be provided with full medical facilities as admissible to serving employees in respect of medical treatment, investigations, diet, and reimbursement of claims **for treatment in Govt. or recognised non railway hospitals.** They will also be eligible inter-alia, for a) ambulance services b) medical passes c) home visits d) medical attendance for first two pregnancies of married daughters at concessional rates and e) treatment of private servants as applicable to serving railway employees.

Note: (i) Those who join the RELHS-97 shall hold identity cards with photographs of all the beneficiaries.

(ii) For the purpose of d) of subpara (1) above special identification cards will be issued duly affixing photographs of married daughters with clear instructions on the card which shall read " ONLY FOR CONFINEMENT AND TREATMENT DURING ANTE-NATAL AND POST NATAL PERIODS FOR THE FIRST TWO PREGNANCIES AT CONCESSIONAL RATES"

(2) **Eligibility:** Minimum 20 years of qualifying service in the Railways will be necessary for joining the scheme and the following categories of persons will be eligible to join the same:

(i) All serving Railway employees desirous of joining the scheme will be eligible to join it in accordance with the procedure laid down herein under "Mode of Joining",

(ii) **All retired Railway employees who were members of the old RELHS will automatically be included in the RELHS '97.**

(iii) Spouse of the Railway employee who dies in harness. These orders are not applicable to those Railway servants who quit service by resignation.

(3) Family/Dependents

Definition of 'family' for the purpose of this scheme will be the same as in respect of the serving Railway employees. The definition of "dependant" will be the same as in the Pass Rules.

(4) Rate of contribution

a) For joining RELHS '97, one time contribution equal to the last month's basic pay will have to be made at the time of retirement by those opting to join the scheme. **The persons who are already members of the existing RELHS are not required to make any fresh payment. However, those who have joined the existing RELHS after 1.1.96 will have to pay the difference of one time contribution on account of introduction of fifth pay commission's revised pay scales w.e.f. 1.1.96. It will be the responsibility of the Railway Administration to realise the amount due from the concerned RELHS members.**

b) In respect of pre 96 retirees the basis for the one time contribution will be the revised pension drawn by the retired railway employee for joining the RELHS-97. The rate of contribution shall be calculated as under.

i) a) **For employees who retired before 1-1-96 : Revised basic pension as on 1-1-96 including commuted value** (Gross pension) multiplied by the figure of two. (b) all those who retired prior to 1.1.96 and joined RELHS between 1.1.96 and 30.9.96 are required to pay a one time contribution equal to their last pay drawn.

ii) For family pensioners: A sum equivalent to double the amount of their revised normal family pension as on 1-1-96

iii) For SRPF Optees : For those SRPF Optees or their widows for whom ex-gratia payment has been approved on the basis of the recommendations of the V CPC, a one time contribution at twice the ex-gratia monthly payment may be deposited.

(Rly Bd's Letter NO2000/H/28/1 (RELHS) dt 23-06-2000)

(5) Mode of Joining

a) All employees will have to give their option to join the RELHS '97 at least 3 months prior to their date of retirement. The option given once will be treated as final. No further chance will be given subsequent to retirement.

b) Such of the post 1-1-96 retirees who have not yet joined the scheme will be given another chance to join by 31-12-99.

c) For pre 1-1-96 retirees there is no cut-off date for joining RELHS-97. However they have to pay the contribution at rates mentioned in the preceding paragraphs.

d) Members of RRECHS will also have the option to switch over to RELHS '97 by making payments as mentioned in sub-para (4) above before 31-12-99.

(Authority: Ministry of Railways letter No.91/H/28/1 dated 23.10.97, dt. 26/03/1999 and 97/H/28/1 dt. 17-05-1999)."

19. Applicant has relied upon the judgment in case of **S.K. Sharma Versus**

Union of India (2002 (64) DRJ 620)

delivered on 23.05.2002. In the said case the Appellant was refused reimbursement of medical expenses on the ground that he is not a card holder of CGHS. Hence, request

for medical reimbursement of emergency medical treatment from hospitals which figure in the recognized list of CGHS was rejected. The Court held as follows:-

*"The petitioner does not cease to be a Central Government pensioner merely because he is not covered by the CGHS scheme. **A differentiation cannot be made between the pensioners staying in different parts of the country depending upon whether they are in CGHS area or non-CGHS area.** In this behalf in case of B.R. Mehta vs. Union of India and Ors. 79 (1999). DLT 388 on the basis of material placed before the court **it was noted that the Government had not worked out any criteria for reimbursement in cases of persons who are settled in non-CGHS area but were still considering the question. In such a situation it would be a travesty of Justice if a retired pensioner is deprived of reimbursement of medical expenses only on the basis that he is not a member of the CGHS scheme and in my considered view any differentiation between persons who are all government pensioners and some of whom are living in CGHS areas and some are in non-CGHS areas would be violative of Article 14 of the Constitution of India.**"*

20. The above case is distinguishable. In the present case the applicant is seeking reimbursement of expenses incurred in an emergency of a private non-

recognized hospital of Railways. The right of retired pensioner to be reimbursed medical expenditure without a RELHS card did not extend to the extent that expenses incurred would be, unconditionally, eligible for medical reimbursement. There was no geographical differentiation as in CGHS and non-CGHS area in the present case. The rules and circulars issued under IRMM do not allow reimbursement of costs to even RELHS members for treatment in a private non-recognized hospital except in an emergency with prior permission of Medical Board. In fact the applicant's case of claiming reimbursement, without a RELHS card, if allowed would privilege him in a discriminating manner over those having RELHS card, but still can legally obtain treatment in a private recognized hospital and not from a non-recognized private hospital as a given. This is a critical distinction between the present case and case of **S.K. Sharma (Supra)**. Further, in **S.K. Sharma (Supra)**

the Court has at para 7 of the case relied on **Narender Pal Singh Vs. Union of India and Ors. 1999 (2) CLR 904.** In this case also the Court noticed that the treatment had been taken in the approved (Private) hospital and hence held that it is the duty of the Government to bear or reimburse the expenses. Further, RELHS membership involves payment of entry fees as stated earlier, which goes to the Corpus for providing treatment of members. The question is whether any right existed to avail such Corpus for treatment of non members?

21. The applicant has relied upon the judgment of the Hon'ble Supreme Court in the case of **Surjit Singh Vs. State of Punjab decided on 21.01.1996.** In the said case the appellant took treatment from abroad but claimed reimbursement of expenses at the rates prevailing in Escorts (a private/ recognized hospital) in place of AIIMS (Government funded)

hospital. In this case, the Court held that the appellant cannot be denied reimbursement of medical expenses as per rates prevailing in a private but recognized hospital. Hence, allowing the present applicant's case would amount to discriminating against the existing members of the RELHS, who could have been reimbursed the expenses as per rules of RELHS and as per Railway Board circular dated 30.01.2007, which governed the cases of RELHS members only. Para 2 of the circular reads as follows:-

"As per extant rules, a railway beneficiary must report to Railway Medical Officer for his/her and dependents medical treatment. The Authorized Medical Officer will make necessary arrangements for medical treatment through Railway Hospital/ Govt. Hospital/ Pvt. Recognized Hospital in serious situations, CMDs of Zonal Railways can obtain special permission from the Board for treatment in any private hospital on case to case basis. Hence, there is no scope available for any Railway beneficiary to go to any private hospital himself/ herself or

their dependents on their own bolition expect in case of real emergency situation.

"Emergency" shall mean any condition or symptom resulting from any cause arising suddenly and if not treated at the early convenience, be detrimental to the health of the patient or will jeopardize the life of the patient some examples are Road accident, other types of accidents acute heart attack etc. under such condition when the railway beneficiaries feels that there is no scope of reporting to his/ her health scheme rates are to be recommended/ processed as an upper limit for sanction."

Hence, the judgment in **Surjit Singh (Supra)** is also similarly distinguishable as in the case of **S.K. Sharma (Supra)**.

22. Applicant has further relied upon the case of **Ram Kumar Kaushik Vs. Govt. of NCT of Delhi delivered on 04.03.2016.**

The issue again was of medical reimbursement being denied to a person going into non-CGHS area and that to for treatment having been done not in a private/ unrecognized hospital but in a recognized/ private hospital.

"6. The issue is no more res integra as in the case of S.K. Sharma (supra), this Court clearly held that the petitioner after getting retired cannot be denied the benefit of the medical reimbursement simply because of the fact that he did not opt for the said scheme. In this case also the claim of the employee was rejected on the ground that he was not covered under the CGHS Rule not being a part of the scheme but still a retired Central Government employee residing in non-CGHS area can make a CGHS card for himself and his dependent family members from the nearest centre where CGHS is functional. Further placing reliance on some authoritative pronouncements of the Apex Court, this Court in the above case took a view that the petitioner cannot be discriminated against, merely because he is not a member of the CGHS scheme as he was staying in a non- CGHS area. In this case also the employee had applied to become a card holder later in the period.

7. In the case of V.K. Jagdhari (supra), which has been relied by the petitioner, a similar question arose before the Court and objection was taken that since the employee had opted for the CGHS card after his surgery, therefore, he was clearly disentitled to the claim of reimbursement. Answering the said question in negative, the Court clearly held that the

pensioner cannot be discriminated against merely because he has not opted for CGHS scheme or he resides outside a non-CGHS area. Taking into consideration the ratio of the judgments in the S.K Sharma (supra) and Som Dutt Sharma (supra) case, this court consolidated the legal position and held that:

"The position emerging from various decisions of this Court may be summarised as follows:

1) Even if employee contributes after availing medical facilities, and becoming member after treatment, there is entitlement to reimbursement (DB) Govt. of NCT v. S.S. Sharma : 118(2005)DLT144

2) Even if membership under scheme not processed the retiree entitled to benefits of Scheme - Mohinder Pal v. UOI : 117(2005)DLT204 .

3) Full amounts incurred have to be paid by the employer; reimbursement of entire amount has to be made. It is for the Government and the hospital concerned to settle what is correct amount. Milap Sigh v. UOI : 113(2004)DLT91 ; Ran deep Kumar Rana v. UOI : 111(2004)DLT473

4. The pensioner is entitled to full reimbursement so long the hospital remains in approved list P.N. Chopra v. UOI, (111) 2004 DLT 190

5) Status of retired employee not as card holder: S.K. Sharma v. UOI, : 2002(64)DRJ620 ;

6) If medical treatment is availed, whether the employee is W.P.(C) 7978/2012 Page 3 of 5 a cardholders or not is irrelevant and full reimbursement to be given, *B.R. Mehta v. UOI* : 79(1999)DLT388 .' The status of a retired Government Employee was held to be independent of the scheme and rules in so far as the entitlement to medical treatment and/or CGHS benefits were concerned (ref. *V.K. Gupta v. Union of India*, : 97(2002)DLT337). Similarly in *Narender Pal Singh v. Union of India*, : 79(1999)DLT358 , this Court had held that a Government was obliged to grant ex-post facto sanction in case an employee requires a specialty treatment and there is a nature of emergency involved."

23. The above case, similar to **S.K. Sharma (Supra)** is clearly distinguishable. All the citations pertains to private/ recognized hospital and not private/ non-recognized hospital, even if there was no CGHS membership. The distinction also arises from the fact that RELHS is part of IRMM which is part of the statute book. It would amount to violation of IRMM to privilege the applicant, by giving rise to

further discrimination favouring non member applicant qua members of RELHS. They have paid to the Corpus for obtaining their right to treatment. No right can arise without contribution as per Rules.

24. The question that would lawfully arise is as to whether applicant is entitled to be paid from the Corpus, which belongs to members and not non Members and that too to be reimbursed expenses of a private non-recognized hospital, which even members cannot, normally, avail, despite their contribution, except in an emergency and with the prior special permission of the Medical Board. In none of the judgments cited by the applicant, does the Court say that with or without membership, a retired pensioner is entitled to reimbursement for treatment in a private non-recognized hospital.

25. In **Surjit singh (Supra)** it was clear to the applicant that he could not be reimbursed the cost of treatment

outside the country. Hence, he sought reimbursement on the basis of rates prevalent in Escort Hospital being private recognized hospital as against the rates of AIIMS hospital which was a Government hospital. However, in the present case the applicant is only seeking reimbursement on the rates of the private non-recognized hospital and not as per rates of railway hospital or private recognized hospital. If there was any unconditional right permitted by Courts, which is applicant's argument, he should have challenged the RELHS i.e. the scheme itself as being illegal and therefore null and void, which is not the case.

26. In view of the above discussion, since the applicant has already obtained a RELHS card it is upto the respondents to consider his case for reimbursement at rate of Railway Hospital, in case he files a representation for the same and in case the circumstances of "emergency" stands

established and if Railway budgets make additional contributions to the Corpus of RELHS. In such a situation, applicant being a retired person, in an evening years of his life after serving over three decades with Railways, on purely humanitarian ground, the Tribunal leaves it to the discretion of Railways to consider his case, in accordance with law in case he files a representation. No direction can be given. Hence, while OA is liable to be dismissed, but it does not preclude the respondents from considering his representation as per above directions and dispose of the same in accordance with law.

27. Accordingly, MA for condonation of delay is rejected and OA is dismissed. No costs.

(Ms. B. Bhamathi)
Member (A)

srp