

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH AT RANCHI
OA/051/00093/17**

Date of Order: 13/09/2018

**C O R A M
HON'BLE MR. A.K. PATTNAIK, MEMBER[J]
HON'BLE MR. PRADEEP KUMAR, MEMBER[A]**

Sunil Kumar Sahu, son of Late Musafir Ram, chief Gari Clerk (Mulhya Gari Lipik), Dugdha, under Section Division of Operating Manager, East Central Railway, Dhanbad Division.

..... Applicant.

-By Advocate: - Mr. S.K. Ghosh

-Vrs-

1. The Chief Medical Superintendent, East Central Railway, Dhanbad.
2. The Senior Divisional Medical Officer, East Central Railway, Dhanbad.
3. The Senior Divisional Operating Manager, East Central Railway, Dhanbad.

..... Respondents.

-By Advocate - Mr. Prabhat Kumar

**O R D E R
[ORAL]**

Per Mr. A.K. Pattnaik, J.M.:- This OA has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 with the following prayers:-

- (i) This application is being filed on behalf of the applicant Sunil Kumar Sahu (Mukhya Gari Lipik), Dugdha, under Senior Divisional Operating Manager, East Central Railway, Dhanbad Division seeking direction upon the respondents to pay the amount of medical reimbursement for which the applicant is entitled for.
- (ii) Further prays for direction upon the concerned respondent to release the payment of medical reimbursement to the applicant, since the applicant once again submitted all the medical bills, cash memo of purchase of medicines prescribed by Railway Hospital through proper channel pursuant to the letter no. 16 dated 23.05.2016 issued by Chief Medical Superintendent (Respondent No. 1).

2. Heard Mr. S.K. Ghosh, learned counsel for the applicant and Mr. Prabhat Kumar, learned counsel for the respondents.

3. The sum and substance of the case as per the applicant is that this is a case of reimbursement for medical bills for purchase of prescribed medicines outside the railway hospital on compelling circumstances for which permission as sought by the applicant was rejected on the ground of treatment at private hospitals. It is submitted that the applicant was suffering from

Ulcerative Colitis since 2002 and the Railway Doctor referred him to the private hospital for treatment from time to time and since the prescribed medicines were not available he sought permission from the concerned authority from time to time. It is submitted that he was treated at the private hospital under emergency situation to save his life. His last representation dated 26.04.2017 (Annexure A/14) is addressed to the Respondent No. 1 , i.e. Chief Medical Superintendent, EC Railway, Dhanbad in which he has enclosed all the medical prescriptions, bills , cash memos of purchase of medicines prescribed by the Railway Hospitals from outside for reimbursement.

4. The respondents in their reply have annexed the relevant copies of the Indian Railway Medical Manual and submitted that the reimbursement is not admissible as per the said Rules.

5. In his rejoinder the applicant has submitted that the applicant has submitted requisite formats and bills for reimbursement of the medical bills within time.

6. As his last representation dated 26.04.2017 (Annexure A/14) is stated to be pending before respondent no. 1, we dispose of this OA without entering into the merit of the case with direction to respondent no. 1 that if any such representation has been preferred on 26.04.2017 and the same is still pending consideration then the same may be considered keeping in mind the departmental rules on the subject. After such consideration if the applicant's grievance is found to be genuine then the respondent no. 1 is directed to consider his case for reimbursement of medical bills and pass a reasoned and speaking order within a period of six weeks of receipt of this order.

7. With the aforesaid observation and directions, this OA is disposed of at the admission stage itself. No order as to costs. As prayed for by the learned counsel for the applicant, a copy of this order along with the copy of OA in paper book format along with his representation dated 26.04.2017 be submitted to respondent no. 1 by speed post for which he undertakes to deposit the cost with the registry within a period of 7 days.

[Pradeep Kumar]/M[A]

[A.K. Pattnaik]/M[J]

Srk.