

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00964/2016

DATED THIS THE 11TH DAY OF OCTOBER, 2018

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

HON'BLE SHRI C V SANKAR, MEMBER (A)

M. Kamalaksha Nayaka,
Aged 68 years,
S/o Late shri Govinda Nayaka,
[Retd. Group-D, O/o the SPOs, Udupi Dn.]
Residing at C/o Prashanth Kamath,
Shambhavi house, Kukkikatte,
Udupi – 576 101Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1. The Union of India,
Reptd. By the Secretary,
Department of Posts,
Dak Bhavan,
New Delhi - 110 001

2. The Chief Postmaster General,
Karnataka Circle,
Bangalore – 560 001

3. The Postmaster General,
South Karnataka Region,
Bangalore – 560 001

4. The Superintendent of Post Offices,
Udupi Division,
Udupi – 576 101

....Respondents

(By Shri Dilip Kumar, ACGSC)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

We had looked into the discharge summary issued by Adarsha Hospital with regard to the date of admission on 10.08.2015 and date of discharge on 20.08.2015 with left lung pierced in and fracture of shaft of humerus. Apparently the applicant's wife fell from a bike and got injured. Without any doubt, this is an emergency procedure which has to be undergone to save the life of the patient. This is covered by so many judgments of the Hon'ble Apex Court which says that in such circumstances benefit must be made available. The question therefore arises whether a retired person is also eligible for the same benefit as the serving person. That also has been settled by the Hon'ble Apex Court in many a case. Therefore we do not need to express it any further. The applicant is eligible for CGHS or CSMA whichever is higher on inpatient treatment only. The outdoor treatment he is not eligible. On this account, the matter is remitted back to the respondents to do the needful within two months next and make available the amount which is actually due.

2. The OA is allowed to this extent. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

Annexures referred to by the applicant in OA No.170/00964/2016

Annexure A-1: Copy of the applicant's pension order dated 14.06.2007

Annexure A-2: Copy of the OM dated 20.08.2004

Annexure A-3: Copy of the OM dated 24.08.1998

Annexure A-4: Copy of the application with medical bills of the patient

Annexure A-5: Copy of the SPOs letter dated 14.12.2015

Annexure A-6: Copy of the applicant's representation to SPOs dated 20.04.2016

Annexure A-7: Copy of the applicant's appeal to CPMG BG and Minister for DoPT, New Delhi.

Annexures with reply statement:

Annexure R-1: Copy of the extract of CSMA Rules

Annexure R-2: Copy of the Department of Posts form for option of medical facility of the applicant

Annexure R-3: Copy of the Due Drawn Report of the applicant

Annexures with rejoinder:

Annexure RJ-1: Copy of the judgment dated 13.08.2012 in Writ Petition No. 1821/2005

Annexure RJ-2: Copy of the order dated 12.03.2014 in O.A. No. 459/2013

Annexure RJ-3: Copy of the judgment dated 30.03.2015 in Writ Petition No. 47075/14

Annexure RJ-4: Copy of the order dated 05.08.2014 in O.A. No. 1565/2013

Annexure RJ-5: Copy of the order dated 28.08.2015 in O.A. No. 332/2014

Annexure RJ-6: Copy of the Department of Posts OM dated 29.09.2016
