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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00138/2018**

Monday, this the 25<sup>th</sup> day of February, 2019

**Hon'ble Mr.Ashish Kalia, Judicial Member**

Nandhakumar.C, aged 60 years  
S/o P.S Nair (Late)  
Rtd. Personal Assistant Alathur HO  
Residing at Sreenandanam, Vattekkad P.O  
Kollengode, Palakkad – 678 506  
Mob: 9995680447

..... **Applicant**

**(By Advocate – Mr.U.Balagangadharan)**

**V e r s u s**

1. Union of India, represented by the  
Secretary, Ministry of Communications & IT  
Department of Post  
Dak Bhavan, New Delhi – 110 001
2. The Chief Post Master General  
Kerala Circle  
Thiruvananthapuram – 695 001
3. The Director of Postal Services  
Northern Region  
Calicut – 673 001
4. The Senior Superintendent of Post Offices  
Palakkad Division  
Palakkad – 678 001

..... **Respondents**

**(By Advocate – Mr.K.C.Muraleedharan,ACGSC)**

This Original Application having been heard on 25.2.2019, the Tribunal on the same day delivered the following:

**O R D E R (ORAL)**

**Per: Mr.Ashish Kalia, Judicial Member**

The reliefs sought in the Original Application are as follows:

“(i) Call for the records leading to Anx.A8 & Anx.A10 and set aside the same as legally and factually unsustainable.

(ii) Direct the 4<sup>th</sup> respondent to pass the disburse medical reimbursement amount as claimed in Anx.A3 with interest @ 18% p.a.

(iii) Declare that the applicant is entitled to get reimbursement as per Anx. A3 M.R Claim with interest

(iv) Such other reliefs that the Hon'ble Tribunal deem fit in the facts and circumstances of the case.”

2. Applicant was a Postal Assistant in Postal Service and he retired on 30.11.2017. While in service he preferred a medical reimbursement claim in respect of his son who met with an accident on 8.6.2014. Applicant treated his son in a private hospital where the facility of trauma care was available and no other government hospital was available from the site of occurrence of accident. Applicant submitted medical reimbursement claims as provided under CS(MA) Rules within stipulated time. The competent authority was also accorded post facto sanction for the treatment undergone in a private hospital on the advice of the Regional Office. However, without any notice and without stating any reason, the approval accorded by the 4<sup>th</sup> respondent has been varied without any authority of law. Accordingly, medical reimbursement claim was rejected. Hence he approached this Tribunal for redressal of his grievances.

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3. Notices were issued and the respondents put their appearance through their counsel and filed reply statement. The sole objection taken by the respondents in the reply statement is that the applicant has got approval not from the competent authority. However, on perusal of the records it has been found that the Senior Superintendent of Post Offices had issued Annexure A-7 post facto approval of the treatment and according to the respondents he is not the competent authority.

4. After hearing both sides, this Tribunal is of the view that the medical reimbursement claim in terms of the Apex Court decision in ***Shiva Kant Jha v. Union of India & Ors*** in W.P(C) 694 of 2015 dated 13.4.2018, the technicalities should not come in the way of reimbursement during serious emergencies. It is not the case of the respondents that the applicant was not in a serious condition. In view of this, applicant's claim for reimbursement for the treatment in a private hospital at an emergency condition has to be considered. Hence the applicant's claim shall be paid within thirty days from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above. No costs.

**(ASHISH KALIA)  
JUDICIAL MEMBER**

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**List of Annexures**

Annexure A1 - True copy of the Discharge Summery dated 17.6.14 issued by Paalana Hospital

Annexure A2 - True copy of the letter dated 9.14 of the applicant

Annexure A3 - True copy of the MR claim application dated 15.9.2014

Annexure A4 - True copy of the letter No.E5/Med Dlgs dated 28.4.2015 of the 4<sup>th</sup> respondent

Annexure A5 - True copy of the letter dated 14.5.2015 of the applicant

Annexure A6 - True copies of the letter No.E5/Med Dlgs dated 7.10.2015 of the 4<sup>th</sup> respondent

Annexure A6(a) - True copy of the letter dated 5.12.2015 of the applicant to the 4<sup>th</sup> respondent

Annexure A7 - True copy of the Memo No.E5/Med Dlgs dated 3.2.2016 of the 4<sup>th</sup> respondent

Annexure A8 - True copy of the letter no.E5/Med Dlgs dated 21.3.2016 issued by the 4<sup>th</sup> respondent

Annexure A9 - True copy of the letter of the applicant dated 15.6.2016

Annexure A10 - True copy of the letter No.E5/Med Dlgs dated 28.7.2016 issued by the 4<sup>th</sup> respondent

Annexure R1 - Copy of letter dated 7.1.2014

Annexure R2 - Copy of Office Memorandum No.S.14025/2/2011-MS dated 11.1.2011

Annexure R3 - Copy of the relevant page from the Swamy's compilation of Medical Attendance Rules (2015 edition)

Annexure R4 - Copy of Office Memorandum No.S 14012/9/75/MC(MS) dated 18<sup>th</sup> June 1982

Annexure R4(a) - A true typed copy of Annexure R4

Annexure R5 - The copy of the letter dated 2.3.2016

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Annexure R6 - Copy of Office Memorandum No.S  
14025/19/2015-MS dated 27.5.2015

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