

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 31st day of January Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/177/2017

R. Sridharan,
S/o. V. Ramamoorthy,
3/A, West Moor, WINGATE Garden,
No.4, School Road, R.A. Puram,
Chennai- 600 028.

....Applicant

(By Advocate: Mr. K.M. Ramesh)

Versus

1. The Regional Provident Fund Commissioner,
Tamilnadu/Pondicherry,
No.37, Royapettah High Road,
Chennai- 600 014;
2. The Additional Central Provident Fund Commissioner,
Tamilnadu/Pondicherry,
No.37, Royapettah High Road,
Chennai- 600 014;
3. The Assistant Central Provident Fund Commissioner,
Tamilnadu/Pondicherry,
No.37, Royapettah High Road,
Chennai- 600 014;
4. The Central Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
No. 14, Bhikaji Cama Place,
New Delhi- 110 066;
5. The Secretary to Government,
Ministry of Labour,
Shram Shakti Bhavan,
New Delhi- 110 001.

...Respondents

(By Advocate: Mr.V. Vijay Shankar)

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:-

- "i. to set aside the order passed by the 1st respondent bearing No.CHN/ADMN.II/A(5)/MEDICAL/Regl./2016 dated 09.05.2016
- ii. and consequently direct the respondents to reimburse the balance amount of Rs.96542/- with interest at 12% p.a. from the date of making representation dated 19.12.2012 till date of payment and costs.
- iii. pass such further orders as are necessary to meet the ends of justice."

2. The applicant is aggrieved by Annexure-A/19 impugned order dated 09.05.2016 by which his claim for medical reimbursement had been restricted to Rs. 25,243/- whereas in the order of this Tribunal in O.A. 1140/2014 dated 29.2.2016, a clear direction was given to the respondents to ascertain from the nearby approved hospitals the rates that would have been charged for the surgery and other services under various heads as indicated in Annexure-R2. The applicant was also permitted to obtain such information and submit to the respondents in case he wished to facilitate this exercise. The respondents were directed to reconsider the reimbursement claim of the applicant on that basis and pass a reasoned and speaking order.

3. Learned counsel for the applicant would submit that Annexure A/19 order was not in accordance with the directions of the Tribunal inasmuch as it is clear therefrom that rates charged by M/s. Kalyanai General Hospital and M/s. Chennai Meenakshi Multi Speciality Hospital Mylapore, Chennai during

the year 2012 were available to the respondents and the amounts indicated were Rs. 62,000/- and Rs. 60,000/- respectively. No reason has been recorded for not accepting these rates except for a vague statement in the case of M/s. Kalyani General Hospitals that most of the individual particulars did not match with the rates. It is further submitted that the applicant had also obtained some inputs in this regard and submitted to the respondents albeit a little belatedly, by Anneuxre-A/22 letter dated 8.8.2016.

4. Learned counsel for the respondents on instructions submits that the respondents wished to revisit the decision contained in Annexure-A/19 impugned order dated 09.05.2016 taking into account all the inputs available and pass a revised reasoned and speaking order within a period of 10 days.

5. Learned counsel for the applicant would submit that the amount of Rs 62,000/- quoted by M/s. Chennai Meenakshi Multi Speciality Hospital excluded the cost of 'implant' and the applicant would be satisfied if the same is included and his reimbursement claim passed accordingly.

6. Keeping in view the above submission, the respondents are permitted to revisit the impugned Annexure A/19 order dated 09.05.2016 and pass a fresh order within a period of 10 days from today. Needless to state that the applicant would be at liberty to challenge it, if any grievance still persists and if so advised.

7. OA is disposed of as above. No costs.

(R. RAMANUJAM)
MEMBER (A)

31.1.2019

Asvs.