

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
(CIRCUIT AT PORT BLAIR)**

No. O.A. 351/691/2019

Date of order: 04.06.2019

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. N. Neihisial, Administrative Member

Shri Gupteshwar Lall,
S/o Late Mohan Lall,
R/o Opp. MSM Hotel,
Dairy Farm Junction,
Port Blair, South Andaman
744103.
Andaman & Nicobar Islands

.. Applicant

-Versus-

1. The Union of India,
Service through the Secretary,
Ministry of Home Affairs, North Block
New Delhi - 110001.

2. The Lieutenant Governor,
Raj Niwas, Port Blair,
Andaman & Nicobar Islands - 744101.

3. The Chief Secretary
A&N Administration
Port Blair - 744101.

4. The Secretary (Information & Publicity)
A&N Administration
Port Blair - 744101.

5. The Director ((Information & Publicity)
A&N Administration
Port Blair - 744101.

6. The Manager
Government Press
Port Blair - 744101.

.. Respondents

For the Applicant : Ms. A.S. Zinu, counsel

For the Respondents : Mr. S. K. Mandal, counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

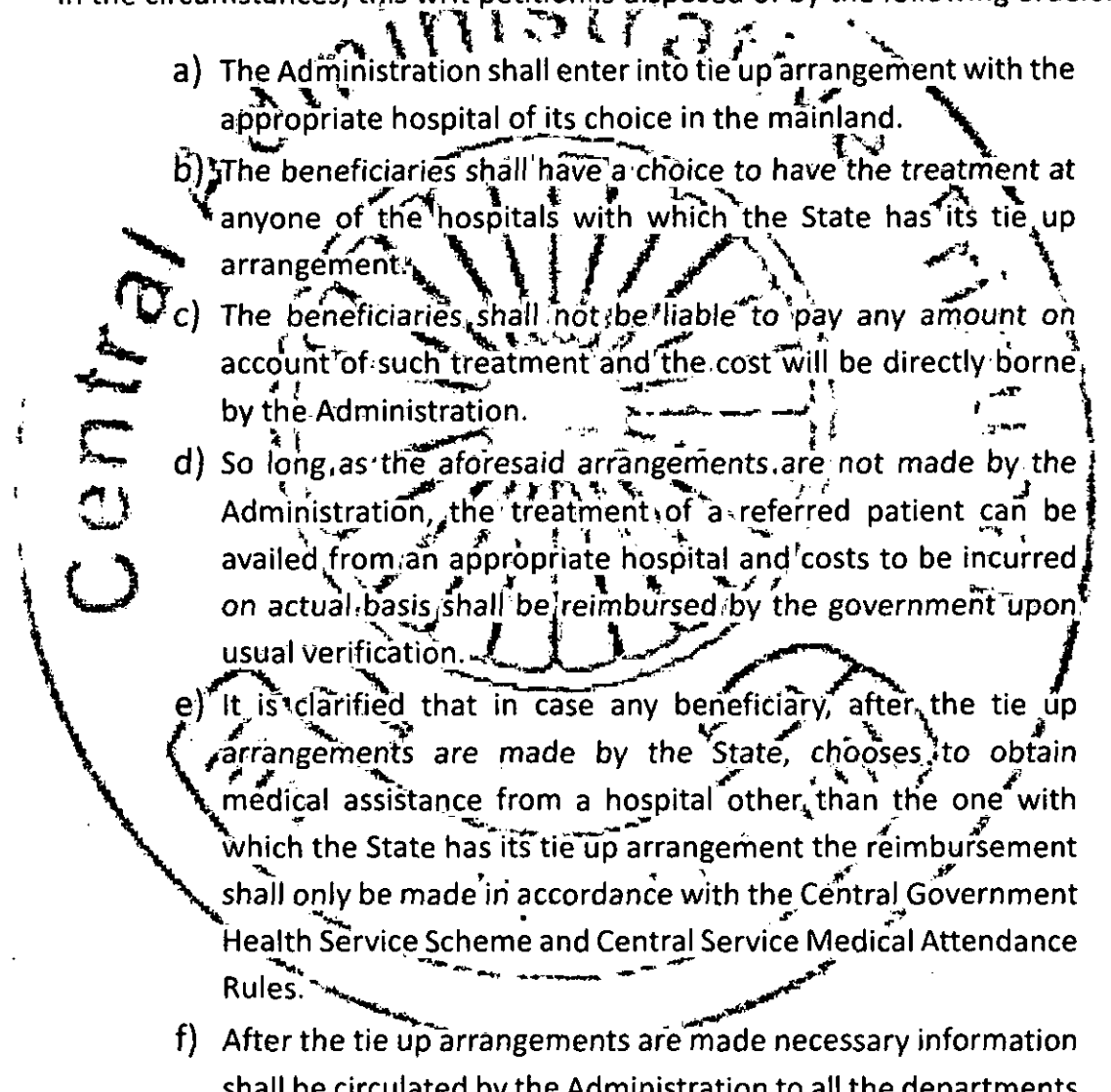
Heard Id. Counsels for both the parties.

2. The applicant seems to be aggrieved with the order dated 15.05.2019 as

contained in Annexure A-12 to the O.A which is supposedly issued as per the directions of this Tribunal in O.A No. 441/AN/2019, where the applicant has approached this Tribunal to seek medical reimbursement.

3. It appears from the order dated 15th May,2019 that the respondent authorities while considering the representation of the applicant in terms of the order passed in O.A have failed to take into account the direction of the Hon'ble High Court in WPCT No. 169/2013 which are as under:

"In the circumstances, this writ petition is disposed of by the following orders:-

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- a) The Administration shall enter into tie up arrangement with the appropriate hospital of its choice in the mainland.
 - b) The beneficiaries shall have a choice to have the treatment at anyone of the hospitals with which the State has its tie up arrangement.
 - c) The beneficiaries shall not be liable to pay any amount on account of such treatment and the cost will be directly borne by the Administration.
 - d) So long as the aforesaid arrangements are not made by the Administration, the treatment of a referred patient can be availed from an appropriate hospital and costs to be incurred on actual basis shall be reimbursed by the government upon usual verification.
 - e) It is clarified that in case any beneficiary, after the tie up arrangements are made by the State, chooses to obtain medical assistance from a hospital other than the one with which the State has its tie up arrangement the reimbursement shall only be made in accordance with the Central Government Health Service Scheme and Central Service Medical Attendance Rules.
 - f) After the tie up arrangements are made necessary information shall be circulated by the Administration to all the departments so that the beneficiaries can have cashless treatment at the appropriate place.

Considering the order we already have passed, we are not inclined to interfere with the order under challenged."

4. In view of such, we quash the speaking order and remand the matter back to the respondent authorities to reconsider the issue in terms of the decision of the Hon'ble High Court, as extracted supra, and passed appropriate orders

within a period of 3 months from the date of receipt of a copy of this order. In case the applicant is found to be entitled for reimbursement, let appropriate order be issued to that effect within the said period. No costs.

(N. Neihial)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SS

