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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No. 380/2004
OA 543/2003

New Delhi this the 14th day of February, 2005

Hon'ble Mr. V.K.Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

A.Chakraborty,
S/O late Shri B.N.Chakraborty,
R/O Flat No.4, Shubham Apartments,
Plot No. 37, Nirvana Road,
Patparganj, Delhi.

..Petitioner

(By Advocate Shri D.S.Mahendru proxy for
Shri P.S.Gondi)

VERSUS

1. Shri N.Natrajan,
Director General Res and Development,
Dte. of Personnel (RD- Pers 7),
B-Wing, Sena Bhawan, New Delhi.
2. Shri A.K.Kapoor,
Director, R&DO,
Centre for Environment and Explosive
Safety, Brig.S.K.Mazumdar Road,
Delhi.

..Respondents

(By Advocate Shri M.K.Bhardwaj proxy for
Shri A.K.Bhardwaj)

O R D E R (ORAL)

(Hon'ble Mr. V.K.Majotra, Vice Chairman (A)

Learned counsel of the applicant pointed out that respondents have complied with one part of the directions of this Court contained in order dated 24.2.2004 whereby OA 543/2003 was partly allowed but not complied with the other part of the directions while respondents were to re-consider applicant's claim and award benefits of medical reimbursement in terms of OM dated 25.10.2001 with retrospective effect. He drew our



5


attention to paragraph 15 of our order dated 24.2.2004 which is reproduced below:-


"It is not disputed that among the list of Private hospitals, Escort hospital has not been included in OM issued on 7.9.1991. However, we find that the OM dated 25.10.2001 prescribed that the beneficiaries can take treatment in Escorts Heart Institute for specialized purpose like cardiological surgery and diagnostic procedure but the reimbursement would be restricted to the package rates provided under the Ministry of Health's OM dated 18.9.1996.

2. On the other hand, learned counsel of the respondents stated that ultimate ^{to} direction of the Tribunal was restricted the reconsideration of applicant's claim. Although it was stated that applicant should be awarded the benefits on the rates prevalent at the time of incurring medical expenses, it was not specifically directed that directions of OM dated 25.10.2001 shall be applied retrospectively as the applicant had taken treatment at the Escort Hospital from 4.10.2001 to 9.10.2001.

3. We have considered respective contentions of the parties and find that respondents have reconsidered the matter and provided reasons for not granting the medical benefit under OM dated 25.10.2001. In our considered view, the directions of this Court have been complied with by the respondents. However, in case the applicant is still aggrieved, he is granted liberty to resort to appropriate proceedings as per law.

Present proceedings are dropped and notices to the respondents are discharged.


(Mrs.Meera Chhibber)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

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