

(2013) 02 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

KUNDAN LAL SHARMA

APPELLANT

Vs

Northern Railway, Baroda House

RESPONDENT

Date of Decision : 28-02-2013

Acts Referred:

Citation : 2013 0 NCDRC 878 : 2014 1 CPJ 601

Hon'ble Judges : K.S.CHAUDHARI J.

Advocate : S.R.BANSAL

Judgement

1. THIS revision petition has been filed by the petitioner/complainant against the impugned order dated 17.9.2012, passed by learned State Commission in First Appeal No. 1244/2010, General Manager, Northern Railway and Ors. v. Kundan Lal Sharma, by which, while allowing appeal, order of District Forum was set aside and complaint was dismissed. Brief facts of the case are that complainant/petitioner was an employee of Northern Railway, Jalandhar City, who has retired from services. As per Railway Rules, employees of Railways are entitled to medical treatment for themselves and their family members from the Railway Hospital. On 19.5.2006, Shivani Sharma, the daughter of complainant, met with an accident and was taken to Railway Hospital but as there were no proper facilities for treatment, complainant took her to Orthonova Hospital, Jalandhar, where she was treated and complainant incurred expenses to the tune of Rs. 23,636. Complainant submitted bills to O.P. for reimbursement but O.P. reimbursed only Rs. 8,450. Alleging deficiency on part of O.P., complainant filed complaint against OPs. OPs contested the case and submitted that complainant was not entitled to reimbursement of the claim because medical officer of OPs has not recommended complainant's daughter for treatment from a private hospital. It was further alleged that complainant does not come within the purview of "consumer" and complaint is also barred by time and prayed for dismissal.

2. LEARNED District Forum after hearing both the parties allowed the complaint and directed O.P. to pay Rs. 15,186 to the complainant along with Rs. 7,000 as

compensation and costs of litigation. O.P. filed appeal and learned State Commission vide impugned order, while allowing appeal, dismissed complaint against which this revision petition has been filed. Heard learned Counsel for petitioner at admission stage and perused the record.

3. LEARNED Counsel for the petitioner submitted that as there were no proper facilities for treatment in Railway Hospital, complainant rightly took his daughter to private hospital for treatment and respondent has committed error in not reimbursing treatment expenses and learned State Commission has committed error in dismissing complaint, hence petition be admitted.

4. IT is an admitted case of the petitioner that complainant and his family members are entitled to free medical treatment from Railway Hospital. Learned Counsel for petitioner has not placed on record any Rule, which permits the petitioner to get reimbursement of expenses incurred in treatment from private hospital. It is also an admitted case that Medical Officer of respondent hospital has not referred Complainant's daughter for treatment from a private hospital and complainant took his daughter at his own sweet will for better treatment in private hospital. In the absence of any Rule, complainant is not entitled for reimbursement of any expenses incurred for treatment in private hospital and learned State Commission has not committed any error in passing impugned order and dismissing the complaint. We do not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed. Consequently, revision petition filed by petitioner is dismissed at admission stage with no order as to costs.