

(2014) 09 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

UNION OF INDIA

APPELLANT

Vs

B.M. Singh

RESPONDENT

Date of Decision : 17-09-2014

Acts Referred:

Citation : 2014 0 NCDRC 559

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

Advocate : KUMAR RAJESH SINGH , B.S.SHARMA

Judgement

1. THIS revision petition has been filed by the petitioners against the order dated 12.07.2012 passed by the Punjab State Consumer Disputes Redressal Commission, Chandigarh (in short, "the State Commission ") in Appeal No. 250 of 2007 - B.M.Singh Vs. Union of India & Anr. by which, while dismissing appeal, order of District Forum allowing complaint was upheld.

2. BRIEF facts of the case are that complainant/respondent employee of Norther Railways retired in 1995 and subscribed to RELH (Railway Employees Liberalised Health Scheme) and was entitled for medical reimbursement of himself and his wife. On 30.10.2003, during morning walk, he fell unconscious and was attended to by the passers -by. He was shifted to the emergency of Escort Super Special Hospital and medical stent was implanted. He was discharged on 7.11.2003 and incurred total expenditure of Rs.2,46,576/ -. He submitted bill for reimbursement, but received cheque of only Rs.1,28,500/ - and balance amount was not paid. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. None appeared for OP/petitioner before District Forum and OP was proceeded ex -parte. Learned District Forum allowed complaint and directed OP to pay Rs.1,18,076/ - along with Rs.10,000/ - as compensation and Rs.1,000/ - as litigation expenses. Both the parties filed appeal before State Commission and learned State Commission vide impugned order dismissed both the appeals against which, this revision petition has been filed. Heard learned Counsel for the parties finally at admission stage and perused record.

3. LEARNED Counsel for the petitioner submitted that learned District Forum

committed error in allowing complaint ex -parte and learned State Commission further committed error in dismissing appeal without hearing petitioner; hence, revision petition be allowed and impugned order be set aside. On the other hand, learned Counsel for the respondent submitted that as none appeared for the petitioner before District Forum as well as State Commission, learned State Commission rightly dismissed appeal; hence, revision petition be dismissed.

4. AS none appeared before District Forum, learned District Forum rightly allowed complaint ex -parte. Even after filing of appeal before State Commission, none appeared for the petitioner and in such circumstances, learned State Commission rightly decided appeal after hearing Counsel for the complainant. Learned Counsel for the petitioner submitted that as per RELHscheme, only in emergent circumstances treatment can be taken in private/non -recognized hospitals without being referred by authorized medical officer. In the case in hand, as complainant fell unconscious while on morning walk and he was taken to the emergency ward by the passers -by, it was the case of emergent nature and in such circumstances, complainant was entitled to treatment in private/non -recognized hospital. Perusal of letter by which Rs.1,28,500/ - were sanctioned by petitioner does not elaborate any reason for repudiation of claim for rest of the amount. Only this fact has been mentioned in the letter that amount has been sanctioned being minimum necessary treatment in the non -recognized hospital. It has not been stated whether expenditure incurred by complainant in treatment was not pertaining to minimum necessary treatment. While repudiating claim for rest of the amount, OP should have given reasons for disallowing particular claims. OP did not file reply before District Forum, even in memo of appeal. OP did not specify on what grounds reimbursement was restricted to only Rs.1,28,500/ - and on what grounds rest of the amount was not sanctioned. Even in revision petition filed before this Commission petitioner has not disclosed any ground for repudiation of rest of the claim. I do not find apparently any reason for restricting claim only to Rs.1,28,500/ - instead of Rs.2,46,576/ -.

5. DURING the course of arguments, learned Counsel for the petitioner could not satisfy on what ground claim has been restricted. Looking to the concurrent findings of the District Forum and State Commission, Revision Petition is liable to be dismissed as apparently there is no illegality, irregularity or jurisdictional error in the impugned order.

6. CONSEQUENTLY , revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.