



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1569/2018

Date of decision: 03.3.2020

M.A. No.60/2038/2018

...

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

...

Sukhev Ram Bansal aged 72 years, son of Sh. Bachna Ram, retired Chief Booking Supervisor (CBS), Abohar (under SS/ABS) now resident of House No.13351, Street No.11, Ganesh Nagar, Bathinda, Distt. Bathinda, Punjab Pin-151005. Group C.

...APPLICANT

BY: SH. NARINDER SHARMA, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi-110001.
2. The Chief Medical Director, Northern Railway, Head Office, Medical Department, Baroda House, New Delhi-110001.
3. Chief Medical Superintendent, Office of Chief Medical Supdtt. (CMS), Northern Railway, Ambala Cantt.133001.

...RESPONDENTS

BY: SH. LAKHINDER BIR SINGH, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. By way of present O.A., the applicant has impugned order dated 11.12.2012 (Annexure A-2), whereby his claim for reimbursement of medical expenses incurred on treatment of his wife for knee replacement has been rejected and the order dated 12.6.2014 (Annexure A-4) dismissing his appeal.
2. Heard learned counsel for the parties.
3. Learned counsel for the applicant argued that wife of applicant Smt. Kanta Devi suddenly fell while she was at home and her parent in law took her to Fortis Hospital, Mohali where knee replacement took place. In this way, applicant incurred an amount of Rs.3,88,385/- on her treatment. Thereafter, he submitted bill for medical reimbursement, which was rejected on 11.12.2012 giving rise to an appeal, which he filed on 1.10.2013 (Annexure A-3), which too was dismissed vide order dated 12.6.2014 (Annexure A-4). Hence, this O.A.
4. Learned counsel for the applicant argued that since wife of the applicant was operated in emergency, therefore, impugned order rejecting his claim is illegal, arbitrary and liable to be set aside.
5. Learned counsel for the respondents argued that applicant has not approached this Tribunal with clean hands. He argued that in discharge certificate and also in petition an averment has been made that wife of applicant fell while she was at home and was brought to Fortis Hospital for knee replacement



whereas in his Appeal (Annexure A-3), applicant has taken another ground that while his wife was going on road suddenly a car hit her from behind and she suffered serious injury and in that condition she was taken to Fortis Hospital, Mohali. Thus, he prayed that the O.A. be dismissed. He also argued that in written statement the respondents have taken the ground of delay and laches despite there being an application for condonation of delay moved by the applicant. He argued that the impugned orders were passed in 2012 and 2014 and applicant has approached this Tribunal in 2018 without citing any valid reason for delay, and as such O.A. be dismissed.

6. I have given my thoughtful consideration to the entire matter and have perused pleadings available on record.
7. I am of the view that this petition deserves to be dismissed on the ground of delay as applicant has not given plausible reasons in support of his application for condonation of delay. Lordships have considered Section 21 of Administrative Tribunals Act, 1985 in the case of **Prahalad Pant vs. AIIMS etc.** 2020 (1) SLR 431 by considering earlier law and have held that if an aggrieved person fails to give plausible reasons then Court ought not to entertain petition on merit thus petition deserves to be dismissed on account of delay and laches.
8. On merit, applicant has no case since he is shifting his stand to bring his case under the term emergency. As per Annexure A-1 (Page-35), he himself has submitted that his wife fell while at home while in his appeal he has submitted that while his wife



was going on road suddenly a car hit her from behind and she suffered serious injury and was taken to Fortis Hospital, Mohali.

9. Considering the contradictory stand for cause of accident, this Court is of the view that applicant has shifted his stand as an afterthought only, thus on merit also respondents have rejected his claim, which does not deserve any interference.
10. In view of the above, the O.A. is dismissed on the ground of delay and laches as well as on merit also. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 03.3.2020.
Place: Chandigarh.

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