



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1325/2018 Date of decision: 19.02.2020

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

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Jai Pal S/o Sh. Om Parkash, Ex. Physical Training Teacher (Group-C), aged 46 years, Jawahar Navodaya Vidyalaya, Butana (Sonapat), presently R/o House No.1541, Sector-3, Rohtak-124001.

...APPLICANT

BY: SH. RAVI VERMA, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through its Secretary to Govt. of India, Department of School Education & Literary, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110001 (deleted vide order dated 4.2.2019).
2. Navodaya Vidyalaya Samiti (Head Quarter) through its Commissioner, B-15, Sector-62, Noida, District Gautam Budh Nagar (U.P.)-201307.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office-18, Sangram Colony, C-Scheme, Jaipur (Rajasthan)-302001.
4. The Principal, Jawahar Navodaya Vidyalaya, Butana (Sonapat)-131302.

...RESPONDENTS

BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of present O.A. the applicant has impugned order dated 25.1.2017 (Annexure A-15), whereby against his claim for medical reimbursement of Rs.22,56,903/- respondents have allowed only a sum of Rs.10,82,429/- for liver transplant.
2. Heard learned counsel for the parties.
3. Learned counsel for the applicant vehemently argued that applicant has been given step motherly treatment while considering his case for reimbursement of medical expenses for liver transplant. He has spent a sum of Rs.22,56,903/- while respondents have only reimbursed Rs.10,82,429/- whereas in the case of Sh. R.K. Kaushal, Ex. AC of NVS as well as Sh. K.R. K.R. Rajappan, P.A. in MHRD, package rates of Indraprastha Apollo Hospital, New Delhi, have been allowed. Thus, he alleged discrimination amongst similarly placed persons. Thus, it is prayed that claim of the applicant be reconsidered and remaining amount be also reimbursed.
4. Sh. Sanjay Goyal, learned counsel for the respondents argued that at the time of taking treatment by the applicant, no package rate was available with the department and case of the applicant was considered on the basis of package rate for liver transplant from Institute of Liver and Biliary Science, New Delhi and principal amount was reimbursed. With regard to alleged discrimination, he submitted that the case of Sh. Raj Kaushal was considered as a special case, where reference to



the case of Sh. Rajappan, PA in Ministry of HRD was made. He did not dispute that a sum of Rs.22.00 Lac has been reimbursed to the said employee, who later on died.

5. Considering the above narrated facts, I am of the considered view that respondents have not come with a view that case of the applicant is different from that of Sh. Raj Kaushal and another as they were admitted for liver transplant, therefore, on the principle of parity the respondents are directed to reconsider the case of the applicant for release of remaining amount as well. The above exercise be carried out within a period of three months from the date of receipt of a certified copy of this order. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 19.2.2020.
Place: Chandigarh.

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