

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01414/2018
M.A. 350/00694/2018

Date of order: 1.1.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Pradip Kumar Banerjee,
Son of Late Monotosh Banerjee,
Resident of Flat No. 5, Sumitra Apartment,
Sen Reliegh Road,
Post Office – Ramkrishna Mission,
District – Burdwan West,
Pin – 713305.

..... Applicant.

Versus

1. Union of India,
through the Secretary,
Ministry of Communication,
Department of Post,
Dak-Bhawan,
Parliament Street,
New Delhi – 110 001.
2. The Post Master General
at General Post-Office,
Kolkata – 700 001.
3. The Post Master General,
West Bengal Circle,
Yogayog Bhawan,
Chittaranjan Avenue,
Kolkata – 700 012.
4. The Senior Superintendent of Post Offices,
Asansol Division,
District – Burdwan West,
Pin – 713301.
5. The Sub Post Master,
Chittaranjan Township,
Chittaranjan,
District – Burdwan,
Pin – 713365.

..... Respondents.

For the Applicant : Mr. A.K. Das, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "a) Direction be given upon the respondents to disburse the Medical Bill of the Applicant amounting to Rs. 202,661.23 (Rupees Two Lakhs Two Thousands six Hundred Sixty One) only as submitted by the applicant as his medical expenses by setting aside the order passed by the respondent No. 4, Senior Superintendent of Post Office, Asansol under Memo No. R - 70/Med/P.K.Bannerjee/CRNT/S/Permission/Asansol Dn dated 12.06.2015.
- b) A Direction be given upon the respondents to produce all the relevant documents of the case before The Hon'ble Tribunal in order to render conscionable justice to the applicant.
- c) To pass such other order or orders and/or further order as to Your Lordships may deem fit and proper for the ends of justice."



2. Heard both ld. Counsel, examined pleadings and documents on record.

3. An M.A. bearing No. 694 of 2018 has been filed praying for condonation of delay of 118 days in filing the Original Application. Ld. Counsel would advance the grounds that the applicant had been representing to the authorities in the interim period with the legitimate expectation of favourable consideration of his prayer. The delay being only of 118 days and having been explained by the applicant, the same is condoned and the M.A. is allowed.

4. Ld. Counsel for the applicant would submit that, in January, 2013, the applicant had to be admitted, on an emergency basis, at a Private Hospital in Asansol, and, the said hospital, recommended coronary angiogram proceedings. The applicant thereafter got himself admitted in NRS College & Hospital which referred him to Apollo Gleneagles Hospital, Kolkata. The applicant, having recovered, submitted his medical bills to the respondents which were rejected by the respondent authorities

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stating, inter alia, that his admission in a private hospital without prior permission of the respondent authorities would not entitle him to reimbursement of such medical expenses.

During hearing, Ld. Counsel for the applicant would furnish before us a judgment of the Hon'ble Supreme Court of India in Writ Petition (C) No. 694 of 2015 (**Shiva Kant Jha v. Union of India**) to agitate his plea that treatment of the petitioner therein in an non-empanelled hospital was held as a genuine need by the Hon'ble Apex Court, which had directed the respondent authorities to reimburse the entire amount of expenses incurred in the non-empanelled hospital to the Writ Petitioner. Ld. Counsel for the applicant would aver that the applicant's situation is squarely addressed by the ratio of the Hon'ble Apex Court in **Shiva Kant Jha (supra)**.

Ld. Counsel would fairly admit, however, that although the Hon'ble Apex Court's decision was issued on 13.4.2018, the applicant is yet to represent citing the same, and, hence, would seek liberty to prefer a comprehensive representation citing such judicial decisions in his support.

5. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby accord liberty to the applicant to prefer a comprehensive representation to the concerned respondent authority within a period of four weeks from the date of receipt of a copy of this order citing relevant Office Memorandum and judicial decisions in his support. In the event such representation is received from the applicant, the concerned respondent authority shall consider the representation in the light of the judgment in **Shiva Kant Jha (supra)**,

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and issue a reasoned and speaking order in accordance with law within 12 weeks thereafter.

In case of a favourable decision, the respondent authority will arrange to reimburse the medical expenses, so prayed for, to the applicant within a further period of 8 weeks thereafter.

7. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP