

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3215/2001

Thursday, this the 29th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Nand Kishore Malhan,
H-81, Shivaji Park,
Punjabi Bagh West
New Delhi - 110 026

... Applicant

(Applicant in person)

Versus

1. The Secretary,
Ministry of Defence
DHQ P.O.
New Delhi-110011
2. Engineer-in-Chief's Branch,
Kashmir House,
DHQ P.O.
New Delhi - 110 011
3. P.C.D.A. Southern Command,
No.1, Finance Road,
Pune-411 001
4. Garrison Engineer (I) R&D,
Giri Nagar, Pune-411 025
5. C.M.O. and Mrs. Abhyankar,
Public Relation Cell,
Poona Hospital & Research Centre,
27, Sadashiv Peth
Pune-411 030

... Respondents

O R D E R (ORAL)

The applicant had filed a claim for medical reimbursement of Rs.71,010/- out of which his claim for Rs.44,028/- has been rejected. That is why the present OA.

2. Of the three impugned letters, the one ~~dated 23.1.2001~~ ~~dated 23.1.2001~~ dated 23.1.2001 does not seem to have been supplied by the applicant. In its place at page 25 of the paper book, I find a calculation sheet apparently made by the

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respondents which shows, at a glance, the details of the amount of Rs.44,028/- disallowed. ~~The same is~~ simultaneously shows that the medical claim of the applicant has been passed for Rs.93,191/-. After deducting the amount of advance of Rs.75,000/-, his claim for Rs.18,191/- only has been passed. The second impugned letter dated 29.5.2001 takes care of the applicant's claim for reimbursement of Ambulance and conveyance charges. The aforesaid claim has not been allowed. The third letter impugned by the applicant, which is dated 22.6.2001 simply reiterates that the amount of Rs.44,028/- has been disallowed by relying on the extant rules. Insofar as the Ambulance charge is concerned, the letter provides that the claim in respect of it may be made separately. This letter further provides that the air fare in respect of relatives of the applicant is not reimbursable.

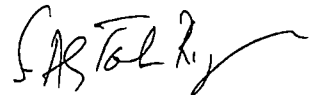
3. I have considered the submissions made by the applicant in person and the aforesaid orders passed by the respondent-authority and find that the claim of the applicant does not seem to have been examined carefully with reference to the relevant rules and no effort has been made by the respondents to quote the rules according to which the various claims made have been found to be untenable. The various orders passed by them are, to this extent, non-speaking. All in all, I am left with an impression that the various pleas advanced by the applicant in this OA would need to be gone into thoroughly with reference to the rules on the subject of reimbursement of medical claims.

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4. In the aforestated circumstances, I find that the ends of justice will be duly met in this case by disposing of this OA at this very stage without issuing notices with a direction to the respondents to treat the present OA as a fresh representation on behalf of the applicant, examine the same with reference to the relevant rules and pass a reasoned and a speaking order in respect of each and every claim preferred by the applicant by relying on specific rules dealing with the matter. Such an order will be passed by the respondent-authority expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. If the order to be passed by the respondents is found to be adverse, the applicant will have the liberty to approach a proper judicial forum, if so advised.

5. The present OA is disposed of in the aforestated terms.



(S.A.T. RIZVI)
Member (A)

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