

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.3333/2001

Hon'ble Shri Shanker Raju, Member(J)

Thursday, this the 6th day of June, 2002

Soni Dutt Sharma
Retired PGT (Skt.)
r/o 1179/4, Urban Estate
Gurgaon. ... Applicant
(By Advocate: Shri Dhaya proxy of Shri Arun Bhardwaj)
Vs.

1. Govt. of NCT of Delhi
through its Chief Secretary
5, Sham Nath Marg
Delhi.
2. Director of Education
Directorate of Education
Govt. of NCT of Delhi
5, Sham Nath Marg
Delhi.
3. Dy. Director of Education
South West Distt.
New Delhi.
4. Principal
Govt. Co-Education Sr. Secondary School
Jhatikra
New Delhi - 43. ... Respondents
(By Advocate: Shri George Faracken)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard the parties.

2. Applicant, a retiree, has sought medical reimbursement claim to the tune of Rs.1,64,830/- along with interest.

3. Respondents, Govt. of NCT of Delhi, by notification dated 26.9.1997 framed a Scheme for providing medical facilities to the pensioners/employees of Delhi Government and in Clause 2 the following provision has been provided:

"Since the scheme was made effective from 1.4.97 but all the employees could not get Health Cards on that date, the employees may be treated as eligible during the period from 1.4.97 to the date they get their health-cards."

4. Applicant, who has not been a member of the Scheme, the benefit of the Scheme submitted in March, 2000 as he underwent upon heart surgery, for which he has incurred an amount of Rs.1,64,830/-. The claim of the applicant was rejected on 15.5.2001 on the ground that he has not submitted his bills within three months from the date of completion of treatment as per medical attendance Rules. Vide Annexure-A2, the claim of the applicant was again rejected by the respondents on 2.7.2001 on the ground that as he has deposited Rs.2400/- on 14.9.2000 and medical facility card was issued on 27.9.2000, he is not entitled for medical scheme before 14.9.2000. The contention of the applicant is that he became a member of the Scheme from the year 1997 as he deposited the requisite contribution of Rs.2400/- from the year 1997 in the year 2000, which had been accepted by the respondents on 15.9.2000. As such in view of Clause 2 of the aforesaid Scheme, he has become eligible under the Scheme from the date of its operation as such his claim cannot be rejected and is entitled for being accord of medical reimbursement.

5. On the other hand, learned counsel for respondents stated that he had become a member of the Scheme only from 14.9.2000 after he had deposited his contribution on 14.9.2000 and the Scheme under which he became eligible only from 14.9.2000, he cannot be allowed medical reimbursement prior to this date of any treatment and expenses incurred by him. It is

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also stated that the claim is not maintainable as he has not submitted the bills within three months from the date of completion of the treatment as per the medical attendant rules. Learned counsel for respondents also states that claim of the applicant does not come within the ambit of Clause 2 of the Scheme.

6. I have considered the rival contentions of both the parties and perused the material on record. In view of the specific averment made by the applicant that he had deposited the entire contribution w.e.f. 1.4.1997 till 2000 and this has been accepted by the respondents, he is deemed to be a member of the Scheme w.e.f. 1.4.1997 as per Clause 2 of the aforesaid Scheme, would be mutatis mutandis applies to his case as well.

7. Having regard to the rival contentions of the parties and in view of the specific averment of the applicant, this OA is disposed of with direction to the applicant to make a self contained representation, incorporating his ~~pleas~~^{plea} regarding his claim and amenability to the Scheme dated 26.9.1997 within two weeks from the date of receipt of a copy of this order, before the competent authority and respondents shall consider the same and pass a detailed and speaking order to the applicant within eight weeks from the date of receipt of a self contained representation from the applicant.

8. The OA is disposed of accordingly. No costs.

S. Raju
(Shanker Raju)
Member(J)

/rao/