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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1791 of 1994

New Delhi, dated the 6th February, 1996.

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri Labhoo Ram,
R/o RZ-130, Sagarpur, Janakpuri,
New Delhi-110046.

(Retd. Office Supdt.
O/o the Commandant,
Central Ordnance Depot,
Delhi Cantt.
New Delhi-110010)

..... APPLICANT

(By Advocate: Shri S.M. Garg)

VERSUS

1. Union of India through
the Director,
Central Govt. Health Scheme,
Nirman Bhawan, New Delhi.
2. The Dy. Director,
(Reimbursement & Hospital Sec.),
C.G.H.S., Nirman Bhawan,
New Delhi.
3. The Commandant,
Central Ordnance Depot,
Delhi Cantt.,
New Delhi-110010.

..... RESPONDENTS

(By Advocate: Shri B. Lall)

JUDGMENT (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

I have heard Shri S.M. Garg for the applicant and Shri B. Lall for the respondents.

2. The facts of this case lie within a narrow compass. It appears that consequent to a heart problem, the applicant Shri Laboo Ram was sanctioned a sum of Rs.15,000/- by Resp. 1 & 2 vide order dated 4.3.91 (Ann. III) for surgical sundries in case of a by-pass surgery which was to have been performed in a private hospital. The

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applicant was to incur the expenditure in the first instance, and then claim reimbursement from the service head of his deptt. upon production of receipts. Respondents do not deny that the expenditure was incurred by the applicant. Respondents 1 and 2 however contend that this reimbursement was to be made by the dept. where the applicant was employed, while Resp. No.3 state in their reply that as they were not clear who was to make the reimbursement, they referred the matter to Resp. No.1 and 2 whereafter it remained under correspondence between the two departments, and is pending since then, although the applicant had filed the bills in support of his medical as far back as 20.6.91.

3. It is clear from the order dated 4.3.91 that the applicant was to incur the expenditure in the first instance which was to be reimbursed by the Deptt. where he was employed, namely Respondent No.3. The applicant presented the bill on 20.6.91, and there clearly was no default on his part. Respondent No.3 should therefore have made reimbursed within a reasonable period of time from 20.6.91 which has not been done, and no cogent reasons have been advanced to explain the delay. As Resp. No.3 should have made reimbursement of this sum of Rs.15,000/- soon after 20.6.91, which they have not done till date and consequently as the applicant has been deprived of the benefit of this amount, which he otherwise would have put to his use, he is also entitled to interest for the above period.

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4. Under the circumstances this O.A. is allowed and Respondent No.3 are directed to release the sum of Rs.15,000/- to the applicant together with interest @ 12% p.a. thereon from 1.7.91 till the date of actual payment. These directions should be implemented within three months from the date of receipt of a copy of this judgment. No costs.

Arif Ali
(S.R. ADIGE)
Member (A)

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