

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1078/2000

New Delhi, this the 30th day of October, 2001

(19)

HON'BLE SH. SHANKER RAJU, MEMBER (J)

Prem Pal Singh,
S/o Sh. Lakhambi Singh,
Mate, Transport Section,
Card No.278, Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.
(By Advocate: Sh. R.K.Shukla proxy for
Sh. S.N.Shukla)

Versus

The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.
(By Advocate: Sh. K.R.Sachdeva)

O. R. D. E. R. (ORAL).

By Sh. Shanker Raju, Member (J)

Heard the parties.

2. The claim of the applicant is for medical reimbursement which has been rejected on 7.6.99 on the ground that the same is referred beyond the prescribed period of limitation, i.e., 3 months from the date of completion of treatment as per essentiality certificate. The applicant contended that as provided under Rule 3 of the Medical Attendance Rules, in case the claim for medical reimbursement is rejected by the Controlling Authority as regards the satisfaction regarding change of the facts and circumstances of each case an opportunity of being heard should be provided to the claimant. In this view of the matter, it is stated that as no hearing has been accorded to the applicant the order passed is not legally sustainable.

4. On the other hand, the learned counsel of the respondents stated that although they have furnished the relevant records and to show that the orders have been passed by the Controlling Authority and were only communicated by the Administrative Officer but clearly submitted that no opportunity of being heard has been accorded to the applicant. (20)

5. Having regard to the rival contentions, being satisfied that the orders have been passed by the Controlling Authority as provided under Rule 3, I hold that in absence of opportunity being given to the applicant the Controlling Authority has not acted in accordance with Rule 3 ibid the applicant was legally entitled for opportunity of being heard irrespective of his claim being rejected on whatsoever grounds.

6. In the result for the reasons recorded, the OA is partly allowed. Orders passed on 7.6.99 are quashed and set aside. Applicant is directed to make a fresh representation for his claim for medical reimbursement which would be considered by the respondents after according him an opportunity of being heard and thereafter a detailed and speaking order shall be passed within 3 months from the date of receipt of a copy of this order. No costs.

S. Raju
(SHANKER RAJU)
Member (J)

"sd"