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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. 2268/2004

New Delhi, this the 26th day of September, 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Sunil Kumar Jana,
S/o late Shri Kali Pada Jana,
R/o Quarter No. 22C, Northern
Railway Colony,
Tughlakabad,
New Delhi.

..... Applicant.

(By Advocate Shri R.K. Shukla)

Versus

1. Union of India through
the General Manager,
Northern Railway, Railway
Headquarter, Baroda House,
New Delhi-110 001; and
2. The Chief Medical Superintendent,
Divisional Hospital, Northern Railway,
S.P. Mukherjee Marg,
Delhi-110 006.

... Respondents.

(By Advocate Shri Rajinder Khatter)

ORDER (ORAL)

This is a second round of litigation by the applicant. He had initially filed O.A. 945/2002 challenging the order dated 10/11.4.2001 whereby his request for medical reimbursement incurred towards the treatment of his wife was rejected. After considering everything, the said O.A. was disposed of vide detailed order dated 19.2.2003 whereby the impugned order dated 10/11.4.2001 was quashed and set aside. Respondents were directed to reconsider the claim of applicant for medical reimbursement without being influenced on a referral and dispose of the same within two months from the date of receipt of copy of the order.

2. It is stated by the applicant that after the said O.A. was decided, respondents did not pass any order but just paid him an amount of Rs.72,446/-



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out of the total bill of Rs.1,50,966/- and the balance amount of Rs.78,520/- was not paid without giving any reasons thereof. Being aggrieved, he gave a representation to the General Manager on 3.9.2003, stating therein that he had to accept the amount of Rs.72,446/- under compulsion as the authority, who was giving the cheque warned him not to put any remarks on the payment voucher otherwise no payment will be made. He, therefore, requested that the balance amount of Rs. 78,520/- may be paid along with interest @ 18% (page 15) but no reply was given and, therefore, he had no other option but to file the present O.A.

3. Respondents, on the other hand, have opposed this O.A., on the ground that this O.A. is premature inasmuch as applicant has not exhausted the remedies as he has neither represented nor filed any appeal, with respect to his grievance before the competent authority, therefore, the O.A. is liable to be dismissed on this ground alone.

4. They have further explained that reimbursement claim has been granted as per instructions annexed as Annexure R-1. They have explained that Smt. Jana did undergo ~~gore~~ surgical intervention; on 31.8.1999 but as per records, no information was given to administration from applicant even though she remained admitted for about 15 days whereas she could have been shifted to Northern Railway, Central Hospital, New Delhi, for her post operative management as the facilities for the same are very much available over there. However, on reconsideration, applicant has been reimbursed an amount of Rs.72,446/- out of Rs.1,50,956/- which Railways would have incurred to AIIMS had the patient ~~would have~~ been referred to AIIMS in such cases. They have further stated that applicant had accepted the cheque without any prejudice, therefore, now he cannot turn ~~ar~~ around and take a different stand. They have, thus, prayed that the O.A. may be dismissed.

5. Applicant has reiterated the facts.

6. I have heard both the counsel and perused the pleadings as well. Counsel for the applicant heavily relied on the earlier judgment given by this Court in his first O.A. as well as the judgment of Tribunal given in OA 966/2004



decided on 21.2.2005 in case of **Pramod Kumar Vs. UOI & Ors.**, wherein it was held as follows:

“36. In the result, for the foregoing reasons, OA is allowed. Impugned orders are set aside. Respondents are directed to reimburse the balance amount of Rs.69,155/- along with a simple interest of 9% per annum to applicant within a period of one month from the date of receipt of a copy of this order. No costs.

37. Let a copy of this order be also sent to the Secretary, Ministry of Railways, Rail Bhawan, New Delhi as well as Secretary Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi for information and necessary action”.

and in applicant's own O.A., it was held as under:

“In the result, for the foregoing reasons, OA is partly allowed. Impugned order dated 10/11.4.2001 is quashed and set aside. Respondents are directed to reconsider the claim of applicant for medical reimbursement without being influenced on a referral and dispose of the same within two months from the date of receipt of a copy of this order. No costs”.


Admittedly, after the first O.A. was decided, no order has been passed by the respondents by explaining the reasons as to why full amount is not being reimbursed to the applicant nor any details have been given to the applicant showing the break up of amount of Rs.72,446/- to show the basis as to how it has been computed. Even in the counter, no details are given, showing which amount has been accepted and which amount has been denied. In fact, in the first O.A. Tribunal had already observed that applicant's wife had to be operated in an emergency, therefore, it was incumbent on the part of respondents to have passed the reasoned order by giving the details as to which amount is being denied and why it has been denied. Since no details have come forth even in the counter and it is respondents' own case that applicant has not exhausted the remedies available to him, this O.A. is disposed of by giving direction to the respondents to treat this O.A. itself as an appeal against the payment of amount of Rs.72,446/- and to decide his case by keeping in view the judgment dated 21.2.2005 passed in O.A. 966/2004 and also the first O.A. filed by the applicant himself. It goes without saying that the order should be passed by giving reasons and after dealing with the judgments as referred to above. This shall be



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done within a period of three months from the date of receipt of copy of this order under intimation to the applicant.

7. With the above direction, this O.A. stands disposed of.


26/9/05

(Mrs. Meera Chhibber)
Member (J)

'SRD'