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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2380/2004

New Delhi this the 24th day of February, 2005

Hon'ble Mrs. Meera Chhibber, Member (J)

Shri Amar Singh Popli,
11/1/, Kalkaji Extension,
New Delhi.

..Applicant

(By Advocate Shri Harpreet Singh)

VERSUS

1. Union of India,
Through Secretary, Ministry of Health,
Nirman Bhawan,
Maulana Azad Road,
New Delhi-110001
2. Union of India,
Through Secretary, Ministry of Home Affairs,
Government of India, North Block,
New Delhi-110001
3. Director General,
Central Government Health Scheme,
Ministry of Health and Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi.-110001

..Respondents

(Present none)

O R D E R (ORAL)

By this OA, the applicant has sought a direction to the respondents to reimburse him the balance amount of Rs. 84,248/- along with interest and also to grant him costs of the case and to pass such other order or orders as may be deemed fit and proper in the interest of justice.

2. The briefs facts as stated by the applicant are that he retired as Senior Public Prosecutor from the Central Bureau of Investigation on 30.9.1988 and is, therefore,



entitled for the CGHS benefits. On 22.9.2001, he got admitted in the National Heart Institute where he underwent an open heart surgery on 25.9.2001 and was discharged on 5.10.2001. The package deal for operation, boarding and lodging in an ordinary double bedded room of the hospital for 10 days i.e. from 25.9.2001 to 05.10.2001 was Rs. 1,60,000/- but the applicant further incurred an expenditure to the tune of Rs. 26,690/- on account of service charges, bio chemical tests, ultrasound, echo, cardia monitoring, etc. plus an expenditure of Rs.12,558/- towards medicines purchased from the market. The vouchers/ bills were submitted by the applicant along with his application dated 15.11.2001. According to the applicant, he was entitled for reimbursement of a total sum of Rs. 1,99,248/- but the respondents reimbursed him only an amount of Rs. 1,15,000/-. He, therefore, gave a representation to the Additional Director, CGHS on 10.4.2002 (page 10) which was followed by reminders dated 19.6.2002 and 11.12.2003 (pages 14 and 15). Since he did not receive any reply, therefore, there was no other option but to file the present OA. as no explanation was given by the respondents as to why an amount of Rs. 84,248/- had been denied to the applicant.

3. Counsel for the applicant relied on the judgement given by the Hon'ble Supreme Court in the case of **State of Punjab and Others Vs. Mohinder Singh Chawla and Others**, reported in 1997 (2) SCC 83 as well as the judgements of the Hon'ble High Court in the case of **V.K.Gupta Vs. Union of India and Anr.**, reported in 97 (2002) Delhi Law Times 337 and **Prakash Chander Srivastava and Ors. Vs. Union of India and Ors.** reported in 97(2002) Delhi Law Times 340).

4. Notice was issued in this case on 4.10.2004. Proxy counsel for the respondents appeared on 29.11.2004, ~~and~~ sought and was granted four weeks time to file reply. On 17.1.2005, none appeared for the respondents and the case was directed to be listed on 10.2.2005. Even on 10.2.2005, none appeared for the respondents yet in the interest of justice, respondents ~~were~~ granted further two week's time to file reply as a last



opportunity and the case was directed to be listed on 24.2.2005. Respondents have still not filed their reply and even today none has appeared on their behalf. This kind of attitude is not at all appreciated and it only shows that the respondents are not interested in prosecuting the case. I could easily have decided the matter on merits but unfortunately since the respondents have ^{even} not responded to the representations given by the applicant, I do not know the reasons as to why the applicant has been denied reimbursement for the balance amount. Whether it was admissible under law or not is not known to me? Hon'ble Supreme Court has repeatedly held that whenever a representation is made to the authorities, the least that is expected from them is that they should decide the same by speaking order, under intimation to the employee so that he may be satisfied at that stage itself without dragging him ~~to~~ to the Court of Law. Not replying to the representations does not speak of good administration. This is a case where I find not only respondents ^{didn't} ¹² give a reply to the applicant when he gave his representation but they have not even bothered to file their reply even in the Court of Law in spite of having been put on notice. Therefore, without waiting for the respondents' reply, this OA is being disposed of at the admission stage itself with the following directions:


- (1) Respondent No.3 is directed to issue necessary instructions to the Additional Director, CGHS, Nirman Bhawan, New Delhi to look into the matter (as the representations have been addressed to the Additional Director) and to pass a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order, under intimation to the applicant;
- (2) In case, the amounts are admissible in accordance with law and the judgement referred to by the applicant's counsel, the balance amount should be paid to the applicant within two weeks thereafter and in case the Additional



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Director feels that the said amounts are not admissible to the applicant, he shall
give reasons as to why the said amounts are not admissible to the applicant.

No order as to costs.


(Mrs.Meera Chhibber)
Member (J)

/SRD/