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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2419/2004

New Delhi, this the 17th day of October, 2005

HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Ram Chander Dalal
S/o Late Shri R.K. Dalal
R/o H.No.662, Sector-16,
Faridabad, Haryana.

...Applicant.

(By Advocate Shri Arun Bhardwaj)

VERSUS

1. Kendriya Vidyalaya Sangathan
Through its Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Dehradun Region,
Saiawala, Hathibarkala,
Dehradun-248001.

.....Respondents.

(By Advocate Shri S. Rajappa)

O R D E R (ORAL)

By the present OA applicant seeks quashing and setting aside the orders dated 30.5.2002 and 27.7.2004. Further he seeks direction to respondents to reimburse full medical claim of Rs.2,93,156.32. It is contended that a sum of Rs.76,566/- has been disallowed to the applicant without any justification. Since the matter had been heard on one or more than one occasion, applicant was directed to file additional affidavit placing on record the details of the bills and other documents / materials. Pursuant to same, an affidavit dated 07.9.2005 has been filed on 09.9.2005.

2. Both learned counsel for the parties agreed that without going into the details and merits or demerits of the documents filed now, namely substantial
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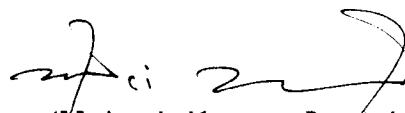
documents, the matter can be referred to Finance Division, Kendriya Vidyalaya Headquarters, New Delhi to re-examine the claim of the applicant in respect of disallowed amount. Shri Arun Bhardwaj, learned counsel contends that there was total non-application of mind in rejecting the aforesaid amount, which has been opposed by Shri S. Rajappa, learned counsel for respondents. I find substance in the suggestion made by both sides that merits of the case need not to be gone into by the Tribunal at this stage and the matter can be re-examined once again by the Finance Division, Kendriya Vidyalaya Headquarters as to whether the applicant is entitled to any further sum which had been disallowed by the respondents vide the aforesaid communications.

3. Shri S. Rajappa, learned counsel further states that earlier the matter was examined by the Assistant Commissioner of Regional Office, Dehradun and the matter now can be re-examined by Headquarter. I have given my careful consideration to these aspects and find substance in the said suggestion that the matter can be re-examined and re-looked as to whether the applicant is entitled to any further sum which has been disallowed on an earlier occasion. With reference to the documents placed on record before this Tribunal vide additional affidavit dated 07.9.2005, Shri Arun Bhardwaj, learned counsel states that these documents had already been furnished to the Regional Assistant Commissioner, Dehradun and the same might have been examined / verified while considering the applicant's claim. Shri S. Rajappa, learned counsel states that it is not necessary that, the same must have been examined and appreciated from the angle, which the applicant has in mind, as sought to be projected before the Tribunal. Be that as it may, since both sides agree that the documents / material can be re-examined by the Finance Division, Kendriya Vidyalaya Headquarters, New Delhi, I deem it fit to dispose of the present OA with direction to respondents to re-examine the applicant's claim particularly in respect of sum, which has been

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rejected. I have no doubt in my mind that this would be done objectively and dispassionately keeping in view the circulars issued on the said subjects along with rules and regulations framed by the concerned authorities, within a period of two months from the date of receipt of a copy of this order. It is expected that applicant would fully cooperate with the concerned authorities in getting such matter re-examined objectively and dispassionately. Applicant would be informed about the date, time and place, in advance, when such claim is to be re-examined so that he could assist the department.

4. Accordingly OA is disposed of. No costs.


(Mukesh Kumar Gupta)
Member (J)

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