

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 337/2004

(11)

New Delhi this the 24th day of September, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

B.D. Sharma
S/o Shri P.N. Sharma,
Employed as a Driver with
Malaria Research Centre
(Under Ministry of Health and Family Welfare)
22, Sham Nath Marg, Delhi-110 054. -Applicant

(By Advocate: Shri Susheel Sharma)

Versus

1. Union of India
Through the Secretary,
Ministry of Health and Family Welfare
Nirman Bhawan.
2. Malaria Research Centre
(Under Ministry of Health and Family Welfare)
Through its Director, 22, Sham Nath Marg,
Delhi-110 054.

(By Advocate: Shri Satish Kumar for Shri V.K. Rao) -Respondents

ORDER (ORAL)

Applicant is aggrieved that expenses, incurred by him on his bypass surgery at Escorts Hospital and post-operative care, have not been reimbursed.

2. Learned counsel of the applicant pointed out that applicant has been working in the IDVC Project under Respondent No.1, since 16.3.90. Initially, he was granted a consolidated pay of Rs.1550/- per month but later on he was placed in the scale of Rs.3050-75-3950-80-4590 as is evident from his pay slip (Annexure A-2) for the month of October, 2003. Learned counsel contended that for all practical purposes he is a regular employee of the respondents. He has been granted D.A. on annual basis and other benefits of Vth Central Pay Commission w.e.f. 1.4.1998. He is also entitled for medical leave, earned leave, casual leave etc. as per rules applicable to Government servants. He had submitted a bill in July 2002 for reimbursement of medical expenses for Rs. 1,79,514.05/. However, though his other colleagues similarly situate had been granted medical reimbursement, applicant has

(b)

been discriminated against and denied the aforesaid reimbursement. Learned counsel of the applicant stated at Bar that Shri S.K. Upadhyaya, a class-IV employee of the same organization as the applicant, has been granted medical reimbursement, although he had also served on a consolidated salary in the beginning and later on was placed in regular scale with the same facilities as granted to the applicant.

3. Learned counsel of the respondents stated that applicant had been employed on consolidated pay and as such is not entitled to the benefits at par with the regular employees of the respondents. Learned counsel also denied that applicant's request for reimbursement of medical bills has, at any point of time during the year 2003, been under consideration for sanction. He further stated that no Project employee like the applicant has ever been reimbursed medical expenses.

4. On being asked to provide names of such employees like the applicant who have been granted reimbursement of medical expenses, learned counsel of the applicant stated that one Shri S.K. Upadhyaya, a class-IV employee of the Project, was initially employed on a consolidated pay but later on accorded a regular pay scale like the applicant, has been reimbursed medical expenses. Learned counsel further stated that this is the first time that applicant has preferred a medical claim as this time the bypass surgery involved a huge expenditure of Rs. 1,79,514.05/- and the applicant is unable to bear such a heavy expense himself.

5. Annexure A-1 is applicant's undated application by which he has sought reimbursement of medical expenses. This application has been forwarded by an official of the organization on 10.10.2003 and another senior officer on 14.10.2003 has recorded 'action taken on bypass surgery bill may be intimated. His separate *Comcil's* case may be put up for the *sanction urgently*'. Respondents have not explained what action had been taken on applicant's application, referred above, after the above noting recorded by the concerned official. Learned counsel of the respondents was also not able to controvert Annexure A-2, which is a salary statement for the month of October 2003, in accordance with which applicant's pay is not on a consolidated basis but in the pay scale of Rs. 3050-4590 and its break up into Basic Pay, D.A. , H.R.A., CCA, washing allowance has also been provided therein. Applicant is not an

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employee engaged on a consolidated salary. It is also clear that applicant must be receiving annual incremental increase in his pay in the above stated pay scale. There is no gainsaying that the applicant had been engaged initially on a consolidated pay but, later on, his assignment had the trappings of a regular post in various respects.

6. If one has regard to the discussion made and reasons stated above, there is a great deal of merit in applicant's claims. However these claims cannot be decided at this juncture with finality as it would require verification on the part of the respondents whether similarly situate personnel in the Project had been accorded the benefit of reimbursement of medical expenses.

7. In this view of the matter, this OA is disposed of with a direction to the respondents to verify whether Shri S.K. Upadhyaya, a Class-IV employee of the Project, is similarly situate as the applicant, i.e., initially engaged on a consolidated pay but later on placed in a regular scale of pay ^{and} has been granted reimbursement of medical claims. If the contention made on behalf of the applicant on verification is found to be true, respondents shall consider applicant's claim similarly by passing a detailed and speaking order within a period of three months from the date of receipt of a communication of these orders.

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)
24.9.04

cc.