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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 368/2004

New Delhi, this the 18th day of March, 2005

Hon'ble Mr. S.K. Malhotra, Member (A)

Shri Bharat Bhushan Srivastava,
Retired Audit Officer, P&T, Delhi.
A-279, Surya Nagar, Ghaziabad – 201301

... Applicant.

(By Advocate Shri Gyan Prakash)

Versus

1. Union of India through
Secretary to the Govt. of India,
Ministry of Health and Family Welfare,
New Delhi.
2. Director,
Central Govt. Health Scheme,
Nirman Bhawan, New Delhi. ... Respondents.

(By Advocate Mrs. Avinash Kaur)

O R D E R (ORAL)

Hon'ble Shri S.K. Malhotra, Member (A) :

This OA has been filed by the applicant with the prayer that he should be granted full re-imbursement of medical expenses incurred by him and the respondents be directed to pay him the balance amount of Rs.37,923/-.

2. The applicant is a retired Government employee who was admitted in National Heart Institute during November, 2002. He submitted a bill for reimbursement of Rs.23,490/- . However as against this, he was reimbursed an amount of Rs.15,119/- only. In April, 2003, he was again hospitalized and got his treatment at Batra Hospital & Medical Research Centre and incurred an expenditure of Rs.49,752/- against which respondents reimbursed him an amount of Rs.20,200/- only. According to the applicant, he is entitled to full reimbursement. In support of his claim, he has cited the judgement dated 5.4.2002 of the Hon'ble High Court of Delhi in the case of V.K. Gupta vs. Union of India & Another, in which it was held that the petitioner is entitled to full re-imbursement of expenses. According to him, his case is at all fours with the case discussed and adjudicated upon in the above judgement.

3. During the course of discussion, learned counsel for the respondents, however, took a stand that the case of the applicant stood at different footings, as in the case of V.K. Gupta he was operated upon in September, 2000 while the memorandum under which he was reimbursed the medical expenditure was dated 18.9.1996 and the rates given in the said memorandum were valid only for a period of two years. As against this, the applicant has been reimbursed under OM dated 7.9.2001 and the rates indicated in this Memorandum are still valid.

4. After some discussion, the learned counsel for the applicant stated that the applicant had submitted a representation dated 26.8.2003 (Annexure A-11) to the respondents to which no reply has been received. However, the respondents in their written reply have stated that the representation was not available in their records. Learned counsel for the applicant desires that he would be satisfied if his representation could be considered and a final decision be taken by the respondents.

5. Taking into consideration the request made by the learned counsel for the applicant, I think it will meet the end of justice, if this OA is disposed of at this stage with directions to the respondents to take a final view on the representation dated 26.8.2003 made by the applicant. Respondents are accordingly directed to consider the representation dated 26.8.2003 of the applicant (Annexure A-11) along with other pleas made by him in the OA, take a final view in the matter and the same may be conveyed to the applicant by issuing a reasoned and speaking order within a period of three months from the date a copy of this order is received by them. In case the applicant is still aggrieved, he will be at liberty to file a fresh OA for redressal of his grievance. No costs.

S.K. Malhotra
(S.K. Malhotra)
Member (A)

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