

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 987/2004

New Delhi, this the 21st day of April, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A).

Shri V.C. Jain,
S/o Late Shri Gangadhar Jain
(Retd.) Principal
Kendriya Vidyalaya No.2.
Jhansi.

...Applicant
(By Advocate Sh. M.K.Bhardwaj)

V E R S U S

Union of India through

1. The Secretary
Ministry of HRD,
Dept. of Education (S.E. & H.E.)
Shastri Bhawan
New Delhi-110001.
2. The Chairman
K.V.S., Shastri Bhawan,
New Delhi.
3. The Vice Chairman
K.V.S., Shastri Bhawan,
New Delhi.
4. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard. This is the second round of litigation. The matter relates to reimbursement of medical expenses which the applicant has claimed for treatment of his daughter during the period 9-7-98 to 9-8-98. Earlier the applicant had approached this Tribunal for the same relief vide OA No.2478/2003 which was decided on 13-10-2003 with directions to the respondents that they consider the representation of the applicant with regard to reimbursement of the medical expenses incurred by him for the treatment of his daughter





and pass a reasoned and speaking order.

2. The respondents have now, in compliance of the order of this Tribunal, issued a speaking order dated 20-1-2004 (Annexure A-1) in which they have taken a position that the medical reimbursement should have been preferred by the applicant within three months from the date of completion of the treatment. As according to them, the claim was submitted after three months of completion of treatment, they have found the bills as time barred and have, therefore, not allowed reimbursement. Accordingly, they have rejected the representation of the applicant. In this connection, the learned counsel has invited attention to the reply of the respondents given earlier in which they had taken a different position that the relevant permission of the Directorate General of Health Services was required for such treatment. However, now as the same has been satisfied, the respondents have come up with a new ground, i.e., the claim has not submitted to them before completion of three months of the medical treatment.

3. The applicant has submitted that the treatment of the applicant's daughter was completed on 9-8-98 and the bills in this regard, after having the same verified from the hospital concerned, were submitted to the Asstt. Commissioner, KVS, RO, Gwalior through Chairman KV No.2, Jhansi Cantt on 21-8-98. The bills were thus submitted within 12 days of completion of the medical treatment. In support of this information, the applicant has also given the registration number of the letter wherewith the claims were

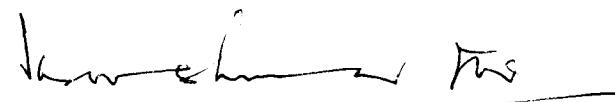




forwarded to the Asstt. Commissioner, Gwalior on 21-8-98. The same is explained in para 4.5 of the OA. It is thus observed that the applicant has now given a definite basis for seeking reimbursement of the medical expenses incurred by him for treatment of his daughter and which can be verified by the respondents.

4. In the light of this fresh submission on the part of the applicant, I am inclined to feel that the appropriate course, therefore, would be to dispose of this OA at this stage itself with directions to the respondents to re-consider the matter regarding reimbursement of medical expenses incurred by the applicant on the treatment of his daughter as having been submitted within three months (in this case within 12 days of the completion of the treatment) with reference to the relevant rules on the subject and to do the needful. The respondents are further directed to issue a reasoned and speaking order while disposing of the matter within a period of two months from the date of receipt of a copy of this order.

6. With this, the OA stands disposed of.



(Sarweshwar Jha)
Member (A)

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