

Open-Court
Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1382 of 1998

Allahabad this the 9/1 day of February 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Jahar Singh, S/o Shri Tula Ram Singh, Age about 37 years, the then Accountant Lalitpur HPO (Jhansi Dn.) Now at present Accountant Aligarh H.P.O. Aligarh Dn.)

Applicant

By Advocate Shri
Inperson

Versus

1. Union of India & Others through the Secretary (Posts) Ministry of Communication, Govt. of India, Dak-Bhawan, Sansad Marg, New Delhi-110001.
2. The Sr. Superintendent of Post Offices, Jhansi Dn. Jhansi (U.P.)
3. The Dy. Superintendent of Post Offices Jhansi Dn. (U.P.) Jhansi.

Respondents

By Advocate Km. Sadhna Srivastava

O R D E R

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

On his transfer from Mathura, the applicant-Jahar Singh remained posted at Lalitpur during the period from 16.12.1996 to 13.6.1998 and held the post of Accountant at Head Post Office, Lalitpur. During this period, the applicant sub-

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submitted medical reimbursement bills to the respondents but 33 medical reimbursement bills (in short M.R. Bills) for total sum of Rs17,516-85 were rejected by The Deputy Superintendent of Post Offices Jhansi (respondent no.3). The applicant has filed the copies of these M.R. Bills as annexure A-1 to A-5. As per applicant's case, annexure A-1 and A-2 were rejected on the ground that the applicant did not follow the directions issued by the respondents dated 30.7.96 and the other M.R. Bills marked as annexures A-3, A-4 and A-5 have been rejected by the respondents on the ground of non-production of consumed empty bottles, wrappers etc. for verification of purchased medicines. The applicant preferred appeal against this rejection before the Senior Superintendent of Post Office, Jhansi Division (respondent no.2) on 05.4.1997 29.9.97, 14.2.1998, 20.3.1998 and 16.05.1998. These representations in appeal were not decided for sufficient long time, therefore, the applicant sent ⁱⁿ reminder representations in connection with appeal dated 05.4.1997 on 25.4.1997 and other reminders on different dates between 12.5.1997 to 10.9.1997, ^{in Appeal dated 5.4.97} has been decided on 29.09.97 by the appellate authority and thereby the appeal of the applicant has been rejected. The applicant has mentioned that he preferred five appeals but only one has been decided and the fate of other four has been verbally communicated to him that the same have been disposed of in the light of the order passed on 29.09.97. Now, the applicant has come up before the Tribunal through this O.A. impugning the orders of the respondent no.3 through which the M.R. -Bills have been rejected and the appellate authority

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through which his appeal has been rejected by the respondent no. 2, mainly on the ground that the referred direction dated 30.7.1996 for non-compliance of which M.R. Bills annexure A-1 and annexure A-2, have been rejected, was never communicated or brought to his knowledge. The applicant has further clarified that, ^{inspite} the directions as per order dated- 30.7.1996 have been complied with by the applicant in respect of M.R. Bill(annexure A-2), and the same has ^{been} wrongly been rejected. Regarding other rejected bills, the applicant has submitted that the respondents have wrongly rejected these bills on the ground of non- production of ^{Consumed} ~~summoned~~ empty bottles, wrappers etc., as ^{the same} which was not required to be produced, as observed by Chandigarh Bench of the Central Administrative Tribunal in Murari Lal, Postal Assistant, Chandigarh HPO Vs. Union of India and Others, O.A.No.410 of 1987. The applicant has also emphasised that the M.R. Bills have been rejected arbitrarily for no legal ground as the same were submitted in accordance with the rules and directions in this regard.

2. The respondents have contested the case and filed counter-reply with the mention that the M.R. Bills in question have rightly been rejected as the applicant has failed to comply with the directions in this regard.

3. Heard, applicant-Jahar Singh in person and Km.S. Srivastava, learned counsel for the respondents and ^{RC} have perused the record.

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4. In this matter, the applicant has emphasised that his M.R. Bills were submitted after due compliance of direction in this regard and have wrongly been rejected by the respondents and that the applicant is entitled to get the medical reimbursement alongwith interest at the rate of 24% per annum.

5. Learned counsel for the respondents opened her arguments with the mention that the facility of medical reimbursement is to reimburse the amount spent by the government servant and his entitled family members and the department is expected to keep a watch that it is not being misused and shall ^{not be allowed to be a source of income to the employee.} The learned defence counsel pointed out that during the period of stay of the applicant as Accountant, Jhansi Division during ~~the period~~ 16.12.1996 to 13.6.98, he submitted 68 medical reimbursement claim in respect of treatment of himself and his family members amounting to Rs.34,680-85. Out of this 68 medical bills (claim) ^{as many} ~~23~~ claims for a sum of Rs.11,221/- were accepted by the respondents as the same were in accordance with rules and directions in this regard and were verified on the basis of bottles and wrappers. The rest 33 medical claims for Rs.17,518-85 have been rejected by the respondent no.2 as the applicant had not complied with instructions the ~~directions~~ dated 30.7.1996 by getting the bills verified by showing bottles and wrappers. 12 bills of the applicant amounting to Rs.5,943-00 are still pending. Learned counsel for the respondents also referred the Government of India policy letter ... pg.5/-

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dated 30.7.96 for scrutinising the medical claims of the government employees. According to which, the instructions were issued to the effect that a government employee, immediately after start of the treatment from the authorised hospital, has to give a written information to the office of the respondents giving the details regarding names of the Doctor, name of the hospital, name of the disease and the details of the commencement of the treatment and when necessity arise, government employee has to get verified the medical claims by showing the wrappers and bottles, failing which the claims shall not be accepted.

6. After Considering the facts brought up from either side, I find that M.R. Bills(annexure A-1) has been rejected for non-compliance of the instruction ~~as per~~ through letter dated 30.7.1996 and M.R. Bill(annexure A-2) has been rejected on the ground of incomplete information, which was to be submitted according to referred instructions. On this count, this plea of the applicant cannot be accepted that these instructions were not brought to his knowledge or he never knew the same. Every government servant is presumed to have knowledge regarding the government orders carrying the instructions to be complied with particularly in financial matters and official holding the post of Accountant cannot take a plea that he did not know the existence of any such instructions and, therefore, the prayer of the applicant in respect of annexure A-1 and A-2 cannot be allowed. So far as

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the claim in respect of other 3 reimbursement claims is concerned, it is not in dispute that the applicant failed to ~~get verified~~ the claim in the bills by production of any evidence such as by showing wrappers and empty bottles. On this count, the applicant has referred the judgment of Chandigarh Bench of the Central Administrative Tribunal in O.A. No. 410 of 1987. Perusal of the contents of the judgment shows that in the referred case of Chandigarh Bench, the bills were otherwise duly verified but were not accepted only on the ground of non-production of wrappers/empty bottles and with these facts in view, the Bench observed: that:

"Thus, the Court is of the view that the respondents-department should have made the payment of medical reimbursement claim to the applicant without insisting upon him for production of wrappers etc. specially when the competent medical authority had certified the genuineness of the claim."

7. In the present matter, this observation is not applicable in view of the fact that the applicant has failed to show that his claim was otherwise found to be genuine by due verification from the competent medical authority.

8. With the above position ^{in view}, I do not find any force in the prayer of the applicant to grant the relief sought for. The O.A. is dismissed accordingly. No order as to costs.

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Member (J)

/M.M./