

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1383 of 1998

Allahabad this the _____ day of _____ 2000

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

Jahar Singh, S/o Shri Tula Ram Singh, age 37 years,
the then PA (SBCO) Head Post Office Mathura (UP)
Now Accountant Head Post Office, Aligarh (UP) 202001.

Applicant

By Inperson

Versus

1. Union of India and Others through the Secretary (Post), Ministry of Communication, Govt. of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Director of Postal Services, Agra Region, Agra (U.P.)
3. The Sr. Superintendent of Post Offices, Mathura Dn., Mathura (U.P.)
4. The Sr. Post Master, Head Post Office, Mathura (U.P.)

Respondents

By Advocate Km. Sadhna Srivastava

O R D E R

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

The applicant has come up under Section 19 of the Administrative Tribunals Act, 1985, seeking relief for direction to the respondents to set aside the impugned orders which have been annexed as annexures A-1 to A-7 and to allow

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the refund of M.R. Bills in question alongwith interest at the rate of 24% per annum.

2. As per applicant's case, he remained posted at Mathura Head Post Office during the period from 25.7.1994 to 16.12.1996 as PA (SBCO) and during this period at Mathura, 133 medical reimbursement bill amounting to Rs.34,062-50 were presented by the applicant to Senior Post Master, Head Post Office, Mathura respondent no.2 in accordance with Central Service Medical Attendance Rules. Out of these 133 bills, only one was allowed and the other 132 bills for a sum of Rs.33,633-50 were rejected on the ground that the applicant did not follow the instructions dated 25.7.94 and 05.10.94 issued by Senior Post Master, H.P.O. Mathura(respondent no.4). The applicant explained that in these instructions, it had been required that information of the treatment and photo-copy of each cash memo of purchase, should be furnished to the respondent no.4 on the same day or next day forenoon from beginning of the treatment. The applicant has also mentioned that for presentation of reimbursement bills without compliance of instructions in this regard, the applicant was departmentaly dealt which resulted into stoppage of increments for one year which was subsequently converted in censure entry. Regarding the M.R. Bills , the applicant has mentioned that he preferred the appeal against the rejection of reimbursement which was rejected by the appellate authority and now the applicant has come up impugning the orders through which his M.R. Bills have

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been rejected, mainly ^{on} ~~on~~ ^{pleading} the ground that these bills have been furnished complying with all the requirements under direction and rules in this regard and the respondent no. 4 has rejected these claims to satisfy his prestige, ego and vagary through illegal arbitrary orders which are liable to be quashed. It has also been pressed that the instructions dated 25.7.94 and 05.10.1994 have been issued without any authority and against the provisions under Medical Attendance Rules.

3. The respondents have contested the case and filed the counter-reply. According to which the Ministry of Communication, Government of India, has issued instruction on 11.5.1965 in connection ~~with~~ with claim of medical reimbursement through which it has been notified that it is the duty of controlling officer to scrutinise before counter-signing the claim in respect of Medical Reimbursement after being fully satisfied about its genuineness and in order to satisfy themselves, the Controlling Officer can adopt any means whatsoever making investigation in this regard and in pursuance of these instructions, the respondent no. 4 issued order intimating all the employees that immediately after purchase of medicines, they should submit the photocopy of the memo in the office of respondents. It has also been mentioned in the counter-reply that the applicant has submitted four medical reimbursement claims ~~on~~ on 23.9.94 without complying with the instructions. The respondent no. 3 called for explanation from the applicant to the effect as to why he had not submitted the photostat copy of cash memo of

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the receipt immediately after its purchase to which the applicant replied that he forgot to comply with the directions. Even after this instance, the applicant did not comply with the direction and regularly submitted the medical reimbursement claim, ~~by~~ ignoring the direction in this regard and, therefore, the same were rejected.

4. Considered the arguments placed from either side and perused the record.

5. It is quite evident from the instructions issued by Ministry of Communication, Government of India dated 11.5.1965 that the Controlling Officer was required to satisfy himself about the genuineness of medical reimbursement claim before putting his counter-signatures thereon and it was within the competence of the Controlling Office to issue directions for compliance so as he may ascertain the genuineness of the claims. In the present matter, the applicant did not comply with the directions of the Controlling Officer and instead ~~the~~ challenged the authority of the Controlling Officer which cannot be upheld by the Court and for which he has also been departmentally punished by way of stoppage of increment, which has been converted into Censure entry.

6. For the above, I do not find any merit in the O.A. and the same is dismissed accordingly. No order as to costs.

S. George