

ORIGINAL APPLICATION NO.1331 OF 2004
ALLAHABAD THIS THE 19TH DAY OF JANUARY,2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Shri V.K. Srivastava,
aged about 48 years,
Son of Late Shri Raghbir Sahai,
resident of House No,137/97,
Ram Bagh,Allahabad.

.Applicant

(By Advocate Shri Rakesh Verma)

Versus

1. Union of India,
through the Secretary,
Ministry of Personnel,
Training and Public Grievances, North Block,
New Delhi.
2. The Hon'ble Chairman,
through the Principal Registrar,
Central Administrative Tribunal,
Principal Bench,61/35 Copernicus Marg,
New Delhi.
3. The Registrar,
Central Administrative Tribunal,
Allahabad Bench, Allahabad.

.Respondents

O R D E R

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

working ✓

The applicant/as Upper Division Clerk in Central
Administrative Tribunal, Allahabad Bench, has instituted
the instant original application for the following relief



"(i) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 2.2.2000 passed by the respondent no.2 (Annexure-1), order dated 8.2.2000 passed by the respondent no.3 (Annexure A-II), order dated 9.2.00 passed by respondent no.2 (Annexure A-III), order dated 17/18.7.2000 passed by the respondent no.2 as communicated by the Deputy Registrar, Central Administrative Tribunal, Allahabad Bench, Allahabad vide its order dated 7.8.2000 (Annexure A-IV) and order dated 8.12.2003 passed by the respondent no.1 (Annexure-IVa).

(ii) To issue a writ, order or direction in the nature of mandamus direction the respondents no.2 and 3 to allow medical facility as per the entitlement under the rules to the petitioner and the petitioner be further allowed to take treatment at Sankara Netralaya, Chennai and also to reimburse a of the medical including T.A. expenses incurred by him with all consequential benefits including arrears within a fixed period.

(iii) to issue a writ, order or direction in the nature of mandamus direction the respondent no.2 and 3 not to recover Rs.1806/- as penal interest from the petitioner.

(iv) to issue any other and further suitable writ, order or direction in the facts and circumstances of the case, which this Tribunal may deem fit and proper."

2. The orders impugned herein have been passed on the applicant's application seeking permission to get eye treatment at Sankara Netralaya, in Chennai. The permission appears to have been refused vide order 02.02.2000 on the ground that the applicant failed to explain why simple operation of Cataract required specialised treatment in Shankar Nethralaya at Chennai. By order dated 09.02.2000 the applicant was permitted to proceed for treatment after taking leave but financial assistance for that purpose was declined. By order dated 07.08.2000 another representation, ~~was~~ filed by the applicant, has been rejected having

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regard to the orders passed earlier. By order dated 08.12.2000 impugned in this O.A. the applicant has been directed to deposit the penal interest of Rs.1806/- with the cash/^{branch} failing which the amount could be recovered from his regular pay bill. The penal interest was charged on the advance of Rs.4,400/- drawn by the applicant which was refunded after about three years on 01.01.2003.


3. During the course of arguments the learned counsel for the respondents submits that ^{the} the applicant's claim for medical treatment outside Allahabad has been rejected due to the reasons that the applicant could not furnish certain documents and material in support of his claim for specialised treatment at Sankara Netralaya, Chennai. It is submitted by the learned counsel for the applicant that the applicant was in fact, suffering from Glucoma and not from a simple Cataract. It is submitted by the learned counsel that he may be permitted to withdraw this petition with liberty to file a fresh representation alongwith relevant documents in support of his claim for specialised eye treatment outside Allahabad.


4. As prayed, the O.A. is dismissed as withdrawn with liberty ~~xxxxxx~~ to the applicant to file a fresh representation alongwith relevant documents in support of his case that the applicant was required specialised eye treatment At Sankara Netralaya, Chennai which treatment not available locally at Allahabad. It goes without



saying that in the event of rejection of his representation the applicant will have a right to challenge the same by means of a fresh original application. ~~in case~~

5. With the above direction, the O.A. is disposed of. No Costs.


Member-A


Vice-Chairman

/ns/