

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/7773/2020

This the 28th day of May, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Neelam Kumari, Age 58 years, W/o Late Sh. Vijay Kumar Sharma, R/o 136/9, Adarsh Vihar, Sainik Colony, Jammu. Through her son Ankush Kumar Sharma, Age 2 years, Son of Neelam Kumari, R/o 136/9, Adarsh Vihar, Sainik Colony, Jammu.

.....Applicant

(Advocate:- Mr. Abhinav Sharma, Sr. Advocate assisted by Mr. Abhimanyu Sharma)

Versus

1. State of J&K, through Commissioner/Secretary, School Education Department, J&K Govt., Civil Secretariat, Srinagar.
2. Director, School Education, Jammu.
3. Chief Education Officer, Jammu.
4. Headmaster/Concerned DDO, Govt. High School Biaspur, Jammu.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
[O R A L]**

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicant herein was initially appointed as a Teacher in the School Education Department in the year 1996. In the year 2013, the husband of the applicant expired and soon thereafter, the applicant developed serious health related issues. Keeping in view the health condition of the applicant, the respondent no. 2, by virtue of Govt. Order No. 423-DSEJ of 2016 dated 09.08.2016, transferred the applicant from High School, Hanjana, to High School Deeli on compassionate grounds. During the posting of the applicant at High School, Deeli, the applicant fell seriously ill and because of her serious illness, she was first taken to GMC Jammu and was admitted there and when the condition of the applicant became critical, the applicant was shifted to Shri Mata Vaishno Devi Nariana, Hospital, where she was diagnosed with hyper sensitiveness with H/O acute onset of right sided weakness with slurring of speech and after the observations made by the doctors,





the applicant was recommended a surgery and thereafter operated on 29.03.2018. Thereafter, the condition of the applicant further deteriorated. Since then, the applicant has not been able to join back her duty as the condition of the applicant was deteriorating and the applicant was unable to move her limbs leading to paralysis of the whole body and presently the applicant is in a vegetative state. The son of the applicant made a representation before the respondents requesting the respondents to redress the grievance on compassionate grounds, in as much as, the respondents neither paid the salary to the applicant since July 2018, nor extended her medical leave. It was further requested before the respondents to reimburse the medical bills of the applicant as she had already spent more than four lakh rupees on her surgery as well as physiotherapy post surgery. By virtue of the order dated 06.09.2018, sanction was accorded to drawl of the pending salary of the applicant (surplus at HSS Deeli) against a vacant post of Headmaster at Govt. High School Biaspur for the period from March 2018 to July 2018 but thereafter, the salary of the applicant has not been released i.e., from July 2018 onwards. It has been stated that the applicant spent more than 4 lakh rupees on her medical treatment which includes hospital bills (3,06,258/-) and post treatment physiotherapy, but the respondents instead of making any medical reimbursement, stopped the salary of the applicant and again the son of the applicant made a representation dated 21.08.2019 before the respondents to release the pending salary of the applicant which has not been paid since July 2018, as the applicant is in dire need of the money and also requested for the medical reimbursement as well as for the extension of the medical leave. Despite moving several representations to the respondents, no action has been taken by the respondents. Hence, being aggrieved of the fact that neither the salary has been paid to the applicant after July 2018 and nor the medical leave of the applicant has been extended, the applicant has approach this Tribunal.

2. Learned A.A.G. submits that the salary has been released and order for reimbursement of medical bills has been passed.

3. We have heard Mr. Abhinav Sharma, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.



4. As per the submission of learned A.A.G., salary has been paid to the applicant and order of reimbursement of medical bills has also been issued and the applicant has only to complete the formalities. Now, only the pension remains to be paid.

5. Looking to the facts and circumstances of the case, we dispose of the T.A. with direction to the applicant to submit the relevant documents pertaining to her pension to the respondents within two weeks time. Thereafter, the respondents would consider and dispose of the pension case of the applicant and if there is no impediment in releasing pension and other retiral benefits, the same be released in favour of the applicant under rules. On the other hand, if there is any impediment or difficulty in releasing the pension and other retiral dues in favour of the applicant, the respondents need to pass a reasoned and speaking order and communicate the decision to the applicant within a period of one month from the date of receipt of certified copy of this order.

6. It is made clear that we have not entered into the merits of the case.

7. No orders as to cost.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun