



**Central Administrative Tribunal
Jammu Bench, Jammu**

TA No. 1812/2020
(SWP No. 3322/2019)

This the 8th day of September, 2021

Through Video Conferencing

Hon'ble Ms. Manjula Das, Chairman

Smt. Reeta Dhar,
Age 53 years,
Wd/o Late Kuldeep Dhar,
R/o H.No. 79,
Gole Sharika Nagar,
Near Peer Baba Sunder Nagar,
Talab Tillo, Jammu.

...Applicant

(Through Mr. H.L. Koul, Advocate)

Versus

1. State of J&K,
Through Commissioner Secretary to Govt.
Home Department at Present Srinagar.
2. Director General of Police J&K
at present Srinagar.
3. Commandant IRP – 15th BN,
Jammu (Indian Reserve Police),
Gulshan Grounds,
(Gandhi Nagar), Jammu.

...Respondents

(Through Mr. Amit Gupta, Additional Advocate General)

**ORDER (ORAL)**

Concisely, the facts of the case are that the husband of the applicant was working as Pharmacist/Medical Assistant under respondent No.3. He was suffering from Lung Cancer and at first instance, he was treated at Police Hospital, Jammu and thereafter at Govt. Medical College, Jammu & Chest Disease Hospital, Jammu. When he could not get any relief at Jammu, he was referred to PGI, Chandigarh or anywhere. It is submitted that since he was not getting relief and the family members were advised that required specialised treatment is available at Raheja Hospital, Mumbai; they shifted him to Mumbai and incurred a huge expenditure on his treatment. Unfortunately, he died due to Lung Cancer. The applicant submitted the bills amounting to Rs.3,21,545/- to respondent No.3 for reimbursement, which was rejected, through an order dated 18.07.2019. Feeling aggrieved, the applicant filed SWP No.3322/2019 before the Hon'ble High Court of Jammu & Kashmir. The said SWP has since been transferred to this Tribunal in terms of Notification No. GSR 317 (E) dated 28.05.2020 issued by the Central Government and renumbered as T.A. No.1812/2020.



2. *Per contra*, the respondents filed a detailed counter affidavit, opposing the T.A. Their main objection was that the applicant submitted the forged and manipulated bills, as the word “anywhere” was found added after the word “PGI Chandigarh”. In this regard, letter dated 13.08.2018 was sent to Principal GMC, Jammu, who, in turn, responded vide letter dated 25.08.2018 and intimated that the patient was referred to PGI Chandigarh only and the second referral “anywhere” is forged one. It is also submitted that out of total amount of Rs.3,21,545/-, an amount of Rs.61,302/- has been credited into the bank account of the employee since it was in respect of the period after issuance of ‘life consuming certificate’ by the Principal, GMC Jammu. It is further submitted that the remaining amount of Rs. 2,60,243/- was not sanctioned, as it pertained to the period prior to issuance of ‘life consuming certificate’. Moreover, the patient got his treatment from outside the State and from a private hospital in Mumbai without the necessary referral.

3. Today, I heard Mr. H L Koul, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General, in detail.



4. According to the applicant, *albeit* a total amount of Rs.19,02,800/- was incurred on the treatment of employee, only Rs.3,21,545/- is sought to be reimbursed through this T.A. and out of the latter amount, the respondents have paid an amount of Rs.2,60,243/-. Learned counsel for applicant submitted that as of now, the applicant confined her relief to reimbursement of remaining amount of Rs.2,60,243/- and for that purpose, the required bills were also submitted to the respondents.

5. It is evident from the records that the treatment was taken in an emergent condition and the required bills were also submitted before the respondents for reimbursement. In support of their contention that the applicant submitted the forged and manipulated referral with the insertion of word “anywhere”, the respondents have not placed on record any document. Accordingly, I am of the view that the remaining amount of Rs.2,60,243/- was wrongly withheld by the respondents.

6. In the peculiar facts and circumstances of the case, I dispose of this T.A. with a direction to the respondents to release the balance amount of Rs.2,60,243/- to the applicant, within a period of fifteen days from the date of



receipt of a copy of this order. With regard to the claim of the applicant for an amount of Rs.19,02,800/-, she is at liberty to prefer her claim to the respondents, enclosing the original bills. The respondents, in turn, shall settle the issue, in accordance with law, rules and guidelines on the subject. There shall be no order as to costs.

(Manjula Das)
Chairman

September 8, 2021
/sunil/jyoti/dd/