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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Transfer Application No. 1145 of 1986

Ram Narain

.. .. Applicant

Versus

Union of India & Ors.

.. .. Respondents

Hon'ble Mr. A.B. Gorthi, A.M.

( By Hon. Mr. A.B. Gorthi, Member(A) )

Suit No. 273 of 1984 filed by Ram Narain in the Court of Munsif City Kanpur has come to the Tribunal by virtue of Section 29 of the Administrative Tribunals Act 1985. The claim of the plaintiff was for the payment of Rs.3373.15p. together with interest thereon towards payment of the medical reimbursement claims made by him for the period 6.6.1981 to 3.1.1983.

2. The plaintiff who is a Junior examiner in the Gun Division, Inspectorate of Armaments, Kanpur had his residence at Birhana road which is beyond 8 k.m. from the Ordnance Factory gate. He therefore gave option for medical treatment directly by authorised medical attendant and the said option was agreed to and confirmed by the senior Inspector, Inspectorate of Armaments (Respondent No.2), vide letter No.ADMIN/20024 dated 8.10.1980. Accordingly the plaintiff had submitted the medical reimbursement claims for the expenses incurred by him for the treatment of his

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wife and daughter. The claim for Rs.3373.15p. pertaining to the period from 6.6.1981 to 3.1.1983 was duly submitted to the authorities concerned, who however, did not pass the said claim. Having served notice Under Section 80 C.P.C, the plaintiff filed the suit.

3. The defendants in their written statement refuted the claim of the plaintiff on the short ground that the plaintiff did not opt for availing the facilities under Central Services (Medical Attendant) Rules, 1944 on or before 6.11.1971 and therefore the plaintiff's fresh option for reimbursement under the said rules which he made on 2.1.1980 was not considered to be valid in terms of Ministry of Defence letter dated 4.8.1983.

4. There is no denial of the fact that the plaintiff made a fresh option for reimbursement of medical claims on 2.1.1980. He has explained the reasons for making the fresh option. The plaintiff has further claimed that his option was accepted by defendant no.2 which fact does not find a specific or categorical denial in the written <sup>of the defendants. In other words, the plaintiff was a</sup> statement, led to believe, rightly or wrongly, that he could obtain medical treatment from authorised medical attendants and claim the expenses incurred. Under the circumstances we find no justification for refusal of the claim by the defendants on the ground that the fresh option made by the plaintiff was not in accordance with the terms of Ministry of Defence letter dated 4.8.1983.

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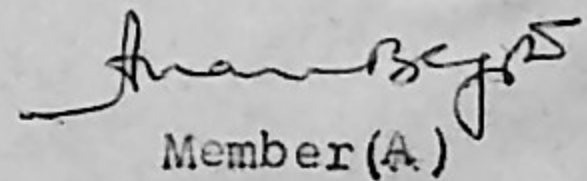


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Although the said letter does not seem to have been brought on record by the defendants, what is clear is that the letter issued in 1983 could not come in the way of deciding the validity of the option made by the plaintiff in the year 1980.

5. The defendants are therefore directed to pay the sum of Rs.3373.15p. to the plaintiff together with interest at the rate of 10% within a period of 3 months from the date of communication of this order.

6. The suit is decreed in the above terms without any order as to costs.

  
Member(A.)

Dated: 21st February: 1992

(UV)