

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH

ALIAHABAD.

Allahabad this the 10th day of February 2000.

Original Application no. 1567 of 1993.

Hon'ble Mr. S.K.I. Nagvi, Judicial Member.

B.B. Jha,
S/o Late Bhola Nath,
R/o T-80/1, M.E.S. Qrs.,
Begam Bazar,
Bamrauli,
Allahabad.

... Applicant.

C/A Sri K.K. Mishra

Versus

1. Union of India through Secretary
Ministry of Defence,
New Delhi.
2. Air Officer,
Commanding in Chief, Headquarters,
Central Air Command, Bamrauli,
Allahabad.
3. Officer Commanding, Headquarters
C.A.C. Unit, Bamrauli,
Allahabad.
4. Controller of Defence Account (Air Force),
Rajapur Road, Dehradun.

... Respondents.

C/Rs Shri A. Mohiley

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ORDER

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

Sri B.B. Jha has come up seeking direction to the respondents to clear his medical reimbursement amounting to Rs. 37133.65 p. which has been refused by the respondents.

2. As per applicants case while he was posted as Senior Stores Superintendent in Headquarter, Central Air Command, I.A.E., Bamrauli, Allahabad., he had to purchase the medicines for treatment of his ^{chronically} ^{ailing} wife and himself, under medical ^{advice} ^{attendant}, and on prescription of authorised medical attendant. Since under rule he was entitled for reimbursement against the bills for purchase of these medicines, ^{he} submitted the duly verified bills to the respondents to make good payment, which were forwarded from competent authority of his unit and sent to C.D.A. Dehradun for order in respect of payment. The C.D.A. Dehradun observed the bills to be ^{suspicious} ^{suspected} and got the same investigated, the result of this investigation ^{went} ^{was} against the applicant and, therefore, the payment was refused. The applicant made several representations to his department but of no avail. Therefore, he has come up before the Tribunal, seeking relief as mentioned above.

3. The respondents have filed counter affidavit and contested the case.

4. Heard Shri K.K. Mishra learned counsel for the applicant and Shri A. Mohiley learned counsel for the respondents.

5. Shri K.K. mishra learned counsel for the

S. K. Mishra

applicant has pressed during argument that all the bills submitted for reimbursement ^{have} ~~their~~ for the purchase of medicines, under prescription from authorised medical attendant and all the formalities in respect of verification were completed, and only then the bills were submitted from unit to C.D.A. Dehradun for orders in respect of payment. ~~and~~, Therefore, C.D.A., Dehradun had no occasion to suspect genuineness of these bills. ^{and did} ~~But~~ He, not only got the matter investigated, through Air Force Police but also influenced ^{the} the witnesses to depose against the applicant by tented investigation and ^{R getting records false} ~~regarding false~~ statement on behalf of Dr. Siddique who was attending the applicant's wife and Shri Tripathi, the incharge of medical stores from where the medicines were purchased ~~and~~, Thus, these bills were refused for payment and show cause notice was served upon the applicant who logically explained ^{the} position and also submitted the affidavit of Dr. Siddique as well as Sri Tripathi to show that the bills were genuine and in accordance with rules in this regard and the ^{investigation} ~~investigator~~ was directed to create the evidence to falsify the claim.

6. Shri K.K. Mishra also drew attention towards paper no. 25 (annexure 15) to the O.A.) which is copy of ^{memorandum} ~~amendment~~ dated 29.03.93 from Group Captain C.L.M.O. through which Sri G.C. Dhyani Group Captain wrote to C.A.C endorsing the claim of the applicant with the request to settle the long standing case/claim.

7. Shri A. Mohiley learned counsel for the respondents referred the C.A. in which the claim of the applicant was found to be false and fictitious and pressed that in view

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of the result of investigation, the claim for which ^{no force for which he has} applicant-
he has ^{though} come up ^{through} in this OA, Sri A. Mohiley could not
bring it out from his record as to what action was taken
against Doctor who has allegedly verified ^{a false} falls bills
and the chemist who issued allegedly ^{a false} falls bills and also what
departmental action ^{taken} against the applicant for having put
his claim through fictitious bills.

8. Keeping in view ⁱⁿ upon the facts and circumstances
of the case, I find it ^a fit matter to direct the respondents
to reconsider the claim ^{of the applicant} in question, particularly in the
light of above referred letter of Group Captain
Shri G.C. Dhyani dated 29.03.93 which is annexure 15 to the
O.A. and decide the claim within 3 months from the date
of communication of this order. The O.A. is decided
with the above observation.

9. No order as to costs.

See margin

Member-J

/pc/