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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, Allahabad bench

Allahabad

Dated: The 31st day of August, 1998

Coram: Hon'ble Mr. S.K.Agrawal, Member 'J'

ORIGINAL APPLICATION NO.1291/95

S.P.Varshney son of Late Kishori Lal Varshney,
resident of 3006 Madhu Garh

Hathras (Aligarh)- - - - -Petitioner

C/A Sri Rakesh Verma

Versus

1. Union of India through Secretary,
Ministry of Telecommunication,
New Delhi.

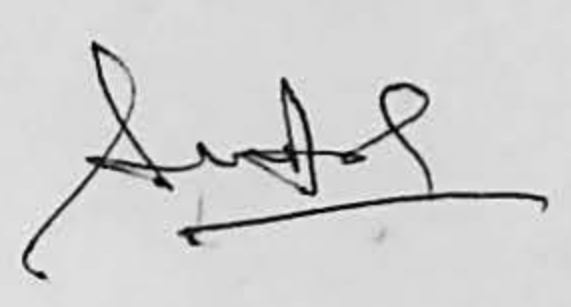
2. Shri G.P.Tripathi, Telecom
Divisional Engineer, Mahtura.

3. The Accounts Officer, Office of
the District Telecom Engineer,
Mathura- - - - -Respondents

C/R Sri Amit Sthalekar.

Order

By Hon'ble Mr. S.K.Agrawal.


In this application filed under section 19
of Administrative Tribunals Act 1985, the prayer of
the applicant is to direct the respondent no.2 to pay
the applicant Rs.36,125.92 Paisa due to him against
the medical bills within a stipulated period with
interest at the rate of 18 percent per annum. A

counter was filed by the respondents. In the Counter regarding claim of the applicant, it is stated that the petitioner alone submitted bills to the extent of of Rs.36,125.92 P. In view of reimbursement of medical bills of other staff, it was not possible to reimburse the whole amount to the petitioner in lumpsum where as only about Rs.1,000/- can be sanctioned to each of the staff under the circumstances. It is submitted that the respondents will face ^a ~~of~~ lot of difficulty in making a lump-sum payment at one time to the petitioner alone.

2. Heard the Learned Lawyer for the applicant and the Learned Lawyer for the respondents and perused the whole record.

3. On the basis of the pleadings of the parties, it can be said that the applicant submitted medical claim for Rs.36,125.92 which could not be reimbursed so far. Regarding the eligibility of the applicant regarding the said claim, there is nothing in the pleadings of the respondents on the basis of which it could be said that the applicant is not entitled to the medical reimbursement for which he submitted his claim. On the basis of the pleadings of the respondents, it only appears that because of lack of fund, the applicant could not be reimbursed his medical claim. It was the duty of the respondents to request for special Budget for the reimbursement of the medical claim of the employee but this should not be denied in the way as it was denied by the respondents.

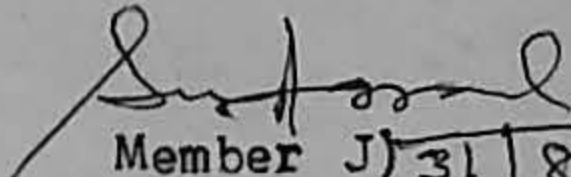
4. Therefore, in view of the facts mentioned in the pleadings of the parties, it does appear that the applicant is entitled to medical reimbursement of

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Rs.36,125.02 P alongwith interest at the rate of 12 % per annum for delay in making the said reimbursement.

5. Inview of the above, this Original application is allowed and the respondents are directed to reimburse the applicant a sum of Rs.36,125.92 P with interest at the rate of 12 percent per annum from the date of application i.e.05.12.1995 within six months from the date of receipt of the copy of this order.

6. No order as to costs.


Member J131/8198

SQI