

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 9th day of May 2002.

QUORUM: HON. MR. RAFIQUDDIN, J.M.

O.A. No. 1363 of 1999.

1. Smt. Prema Mishra a/a 54 years w/o Late R.K. Mishra r/o B-219, Mehdauri Colony, Allahabad.
2. Sumant Mishra a/a 28 years s/o Late R.K. Mishra r/o B-219, Mehdauri Colony, Allahabad.
3. Vishnu Narain Mishra a/a 21 years s/o Late R.K. Mishra r/o B.219, Mehdauri Colony, Allahabad.
4. Km. Rama Mishra a /a 18 years d/o Late R.K. Mishra r/o B.219, Mehdauri Colony, Allahabad.

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..... Applicants.

Counsel for applicants : Sri O.P. Khare.

Versus

1. Union of India through the Director General of Central Govt. Health Scheme, Nirman Bhawan, New Delhi.
2. Additional Director, Central Govt. Health Scheme, Sangam Palace, Civil Lines, Allahabad.....

..... Respondents.

Counsel for respondents : Sri D.K. Dwivedi.

O R D E R (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

This O.A. was filed by Late Sri Ravindra Kumar Mishra claiming payment of Rs.22,000/= along with interest on account of expenditure incurred by him on purchase of heart pace maker. During the pendency of the O.A., the petitioner died on 30.1.2000 and, therefore, the legal heirs have been brought on the record. It appears from the record that the applicant had submitted a medical reimbursement bill for Rs.58,028.90 paise which included the cost of pace maker and medicines. A sum of Rs.26,000/= was reimbursed to the applicant towards the cost of pace maker in terms of

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Govt. of India Office Memo dated 18.3.93. However, the ceiling limit for reimbursement of the cost of pace maker ^{was} ~~was~~ revised vide Govt. of India O.M. dated 12.6.96 which provided that a sum of Rs.65,000/= or the actual cost of the pace maker whichever is less was fixed as ceiling limit for reimbursement. In view of this amended O.M., a sum of Rs.22,100/=-, which was not earlier reimbursed to the applicant, was worked out and paid to the legal heirs of the applicant on 10.3.2000.

2. I have heard Sri O.P. Khare for applicants and Sri D.K. Dwivedi for respondents.

3. It is clear that so far the claim of the applicant for payment of balance amount of Rs.22,100/=-, ^{the} ~~the~~ same having been paid to the legal heirs of the applicant, has become infructuous.

4. It is, however, contended by the counsel for the applicants that the applicants are entitled for payment of interest due to delayed payment of the amount in question i.e. Rs.22,100/=-. Counsel for the respondents has, however, contended that the delay in payment was caused due to the departmental correspondence. It is, however, apparent that the amount in question was not paid by ^{applying} the provisions of old O.M. dated 18.3.93 whereas the same was amended and a revised ceiling limit was fixed vide O.M. dated 12.6.96 and, therefore, the applicant is entitled for the interest on the delay for payment of his medical claim.

5. Considering the facts that the payment was probably could not be made to the applicant by not ^{dealing} ~~dealing~~ the case of the applicant in the light of amended O.M. Therefore the person ^{with} ~~dealing~~ the payment of claim of the applicant is prima facie responsible for the delay. Under these circumstances, the applicants are entitled to receive the interest

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on the balance amount of Rs.22,100/= @ 11% from the date of first payment till the payment of the date of payment of this amount within a period of three months from the date of receipt of a copy of this order. It is further directed that the respondents would make an enquiry to fix the responsibility of the official ^{who delayed the payment} ~~concerned~~ and to recover the amount of interest from his pay.

No order as to costs.

Rafiquddin
J.M.

Asthana/
10.5.02