

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 30TH DAY OF MARCH, 2010)

PRESENT:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

ORIGINAL APPLICATION NO. 951 OF 2006

(U/s, 19 Administrative Tribunal Act.1985)

Dr. G.P. Shukla S/o late Shri M.C. Shukla working as Head, Division of Crop Improvement, Indian Grassland and Fodder Research Institute, Jhansi, r/o 1171/1, New Roy Ganj, Sipri Bazar, Jhansi (U.P.).

Applicant

By Advocates: Sri A.K. Dave
Sri A.D. Prakash

Vs.

1. Indian Council of Agricultural Research through its Secretary, Krishi Bhavan, Ministry of Agriculture, New Delhi, Govt. of India.
2. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi (U.P.).

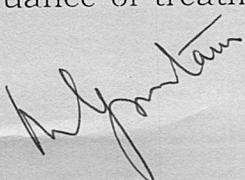
Respondents

By Advocate: Sri B.B. Sirohi

O R D E R

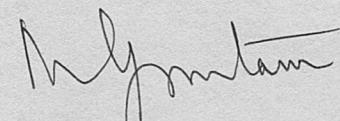
Heard Sri A.K. Dave, learned counsel for the applicant and Sri B.B. Sirohi, learned counsel for the respondents, and perused the pleadings on record.

2. Perusal of the impugned order shows that non payment of pending claim by the applicant is based on the ground that the Specialist advice on continuance of treatment and medicines was not made available. As per documents shown by the Counsel for the applicant, at annexure A-13, it is clear that the local Medical Specialist, available at Jhansi Medical College, has given its expert opinion that continuance of treatment and medicines will continue



until transplanted kidney survives. This is a matter of very grave illness and as such very sympathetic and human attitude needs to be adopted. The respondents have to consider the claim of the applicant in the light of existing provisions and relaxation available so that proper treatment be provided to the son of the applicant. I see no reason for withholding or making late payment of any claim when the matter is of such grave urgency.

3. In view of the above facts and circumstances, the O.A. is allowed. The impugned orders dated 27.05.2005 and 30.06.2005, in so far as they relate to recovery from the applicant, are hereby quashed. The respondents are directed to consider and expedite payment of pending claim of the applicant within a period of one month from the date of receipt of a copy of this order and also on the receipt of expert medical opinion, continue to pay for the treatment of the patient as per rules. No order as to costs.


(Member-A)

/M.M/